

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, REPEALING ARTICLE 10 OF THE UNIFIED LAND DEVELOPMENT CODE OF PALM BEACH COUNTY AS ADOPTED BY ORDINANCE 92-20 AS AMENDED, AND ADOPTING IN ITS PLACE A NEW ARTICLE 13, IMPACT FEES; ARTICLE 13 – IMPACT FEES; CHAPTER A – GENERAL; CHAPTER B – COUNTY DISTRICT, REGIONAL, AND BEACH PARKS IMPACT FEE; CHAPTER C – FIRE-RESCUE IMPACT FEE; CHAPTER D – LIBRARY IMPACT FEE; CHAPTER E – LAW ENFORCEMENT IMPACT FEE; CHAPTER F – PUBLIC BUILDINGS IMPACT FEE; CHAPTER G – SCHOOL IMPACT FEE; CHAPTER H – ROAD IMPACT FEES; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Palm Beach County Ordinance 92-20 provided for adoption of the Unified Land Development Code (ULDC) pursuant to chapter 163, Florida Statutes; and

WHEREAS, ULDC, Article 10 set forth a series of impact fees to generate a portion of the funds required to defray the costs of providing adequate public facilities necessitated by new development; and

WHEREAS, by separate Ordinance, the Board of County Commissioners of Palm Beach County began the process of repealing the original Unified Land Development Code, as adopted in Ordinance 92-20 and amended from time to time, and replacing it with a new Unified Land Development Code which amends, consolidates, reorders and recodifies provisions of the original Unified Land Development Code; and

WHEREAS, in this Ordinance, the Board of County Commissioners of Palm Beach County, Florida, desires to repeal Article 10 of the original Unified Land Development Code and adopt in its place a new Article 13, Impact Fees; and

WHEREAS, the Board of County Commissioners has determined that in order to promote the public health, safety and welfare, Palm Beach County must amend certain impact fee amounts in order to continue to fund adequate public facilities necessitated by new development; and

1 **WHEREAS**, the Board of County Commissioners has determined that the
2 fees established by this Ordinance are derived from, based upon, but do not exceed the
3 costs of providing adequate public facilities necessitated by the new land developments for
4 which the fees are levied; and

5 **WHEREAS**, the Board of County Commissioners has determined that the
6 report entitled *2003 Update of Impact Fees, Prepared for Palm Beach County*, sets forth a
7 reasonable methodology and analysis for the determination of the impact of new
8 development on the costs for adequate public facilities in Palm Beach County; and

9 **WHEREAS**, the Land Development Regulation Commission has found this
10 proposed Ordinance to be consistent with the adopted Comprehensive Plan.

11 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
12 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

13 **PART I. Adoption of Article 13 to the Unified Land Development Code**

14 Article 10 of the original Unified Land Development Code, Ordinance 92-20,
15 as amended from time to time, is hereby repealed and replaced in its entirety with Article
16 13 of the Unified Land Development Code set forth in Exhibit 1, attached hereto and made
17 a part hereof.

18 **PART II. Repeal of Laws in Conflict**

19 All local laws and ordinances applying to Palm Beach County in conflict with
20 any provision of this ordinance are hereby repealed to the extent of any such conflict.

21 **PART III. Severability**

22 If any section, paragraph, sentence, clause, phrase, or word of this ordinance
23 is for any reason held by the Court to be unconstitutional, inoperative or void, such holding
24 shall not affect the remainder of this ordinance.

25 **PART IV. Inclusion in the Unified Land Development Code**

26 The provision of this ordinance shall become and be made a part of the
27 Unified Land Development Code of Palm Beach County, Florida. The Sections of the
28 ordinance may be renumbered or relettered to accomplish such, and the word "ordinance"
29 may be changed to "section," "article," or any other appropriate word.

1 **PART V. Providing for a Savings Clause**

2 All impact fees obligations incurred, all impact fee credits granted, all escrow
3 agreements and restrictive covenants executed, and all other actions taken by the Impact
4 Fee Coordinator or County Engineer pursuant to the procedures established by prior Palm
5 Beach County Impact Fee regulations shall remain in full force and effect.


6 **PART VI. Effective Date**

7 The provisions of this ordinance shall become effective upon filing with the
8 Department of State.

9
10 **APPROVED AND ADOPTED** by the Board of County Commissioners of

11 Palm Beach County, on the 16 day of December, 2003.

12 PALM BEACH COUNTY, FLORIDA, BY ITS
13 BOARD OF COUNTY COMMISSIONERS

14 By: 
15 Karen T. Marcus, Chair

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17
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19 APPROVED AS TO FORM AND
20 LEGAL SUFFICIENCY

21 By: 
22 COUNTY ATTORNEY

23 DOROTHY H. WILKEN, CLERK
24 Board of County Commissioners
25 By: 
26 DEPUTY CLERK



27 EFFECTIVE DATE: Filed with the Department of State on the 22 day of

28 December, 2003.
29

EXHIBIT 1

ARTICLE 13
IMPACT FEES

		Page
6	CHAPTER A GENERAL	7
7	Section 1 Intent, Authority and Findings	7
8	A. Intent	7
9	B. Authority	7
10	C. Findings	7
11	D. Definitions	7
12	Section 2 Applicability	9
13	Section 3 Exemptions	9
14	Section 4 Imposition of Fee	10
15	A. New Land Use	10
16	B. Expansion, Replacement or Change of Use of Existing Land Uses	10
17	Section 5 Computation of Impact Fee	10
18	A. General	10
19	B. Impact Fee Schedule	10
20	C. Land Uses not Specified in Impact Fee Schedule	11
21	D. Mixed Use	11
22	E. Errors and Omissions	11
23	F. Biennial Review	11
24	Section 6 Independent Fee Calculation Study	11
25	A. General	11
26	B. Submission of Application	12
27	C. Contents of Application	12
28	D. Determination of Sufficiency	12
29	E. Action by Impact Fee Coordinator	12
30	1. Impact Fees Other Than Roads	12
31	2. Road Impact Fees	13
32	3. Responsibility of Feepayer	13
33	4. Decision in Writing	13
34	F. Covenant Running with the Land	13
35	G. Appeal	14
36	Section 7 Collection and Administrative Fees	14
37	A. Timing and Collection of Payment	14
38	1. Collected at Building Permit or Other Development Order	14
39	2. Municipality May Require Direct Payment to County	14
40	3. Municipalities are Collecting Agents	14
41	B. Administrative Fees	15

1	C. Fees Transferred to Trust Funds	15
2	1. Fees Collected by County	15
3	2. Fees Collected by Municipalities.....	15
4	a. On Time Remittance.....	15
5	b. Late Remittance	15
6	c. Transfer of Receipts.....	15
7	D. Record Keeping	15
8	E. Impact Fee Coordinator to Furnish Information and Advice to the Municipalities	15
9	Section 8 Benefit Zones and Trust Funds.....	16
10	A. Establishment of Benefit Zones.....	16
11	B. Establishment of Trust Funds.....	16
12	Section 9 Use of Impact Fees	16
13	A. Investment in Interest Bearing Accounts	16
14	B. Limitation Within Benefit Zones.....	16
15	C. Expenditures Shall Benefit New Development.....	16
16	D. Non Lapsing	16
17	E. Annual Capital Facility Programs	16
18	Section 10 Refunds	16
19	A. General	16
20	1. Non-Commencement of Construction	16
21	2. Untimely Encumbrance	17
22	a. Untimely encumbrance	17
23	b. Notification of Potential Refund.....	17
24	B. Procedure to Obtain Refund.....	17
25	1. Submission of Application.....	17
26	2. Contents of Application.....	17
27	a. Receipt.....	17
28	b. Permit.....	17
29	c. Evidence	17
30	d. Documents	17
31	e. Cancellation of Permit.....	18
32	f. Date Fund Forwarded.....	18
33	3. Determination of Sufficiency	18
34	a. Sufficiency.....	18
35	b. Notification	18
36	4. Action by Impact Fee Coordinator	18
37	a. Appeal.....	18
38	1) Regulation.....	18
39	Section 11 Credits	18
40	A. General	18
41	1. Submission of Application.....	18
42	2. Redevelopment of Existing Building/Change in Land Use.....	18
43	a. Determination.....	18
44	b. Certification	19
45	c. Abandoned Use	19
46	3. Special District Assessments	19
47	4. In-Kind Contributions	19
48	a. Time for Giving of Credit	19

1	b. In-Kind Contributions Made Prior to October 1, 1989,	19
2	c. In-Kind Contributions for Road Facilities	20
3	d. In-Kind Contributions Made after October 1, 1989,.....	20
4	e. Valuation of In Kind Road Facility Contribution.....	20
5	5. Credits for Contributions to Local Governments Other Than PBC	20
6	a. Consistency	20
7	b. Amount	21
8	c. Extent.....	21
9	d. Continuity	21
10	e. Availability	21
11	f. Plans	21
12	g. Impact	21
13	h. Pattern	21
14	i. Budget	21
15	6. Special Provisions for Park Credits	21
16	a. Forty to Sixty Acres.....	21
17	b. Twenty to Forty Acres.....	21
18	c. Twenty Acres or Less	21
19	7. Special Provisions for School Credits	22
20	a. General	22
21	1) Location	22
22	2) Distance	22
23	3) Hazards	22
24	4) Access.....	22
25	5) Safe Transit.....	22
26	6) Services	22
27	7) Entrances	22
28	8) Minimum Size/Dimensions.....	23
29	9) Bus Stops	23
30	10) Consistency	23
31	b. Consideration and Acceptance by School Board	23
32	c. Conveyance to the School Board	23
33	1) Abstract of Title.....	23
34	2) Warranty Deed	23
35	3) Taxes	23
36	4) Insurance	23
37	d. Return of School Dedication	24
38	8. Special Provisions for Road Credits	24
39	a. General	24
40	b. Credits for Construction within Site	24
41	c. Other Costs Credited	24
42	1) Off-Site Right-Of-Way Acquisition	24
43	2) Plan Preparation.....	24
44	3) Costs Creditable.....	25
45	9. Application of Credits.....	25
46	10. Special Allocation of Credits	25
47	a. Past Administrative Practices to Continue.....	25
48	b. Application for Special Allocation	25
49	1) Parcels Identified	25
50	2) Notice Requirements	25
51	a) Mailing	25
52	b) Advertisement.....	25
53	c. The Approval Process.....	26
54	1) No Bona Fide Claim Presented.....	26
55	d. Application Fee Provided	26
56	e. Covenant	26

1	B. Appeal.....	26
2	C. Time to Claim Credit – Responsibility of Feepayer.....	26
3	Section 12 Covenants	26
4	Section 13 Vesting.....	26
5	Section 14 Action if Impact Fees are Unpaid.....	26
6	A. Negotiable Instrument is Invalid	26
7	B. Lien	27
8	C. Withholding Development Orders	27
9	D. Notification Construction Industry Licensing Board.....	27
10	CHAPTER B COUNTY DISTRICT, REGIONAL, AND BEACH PARKS IMPACT FEE	27
11	Section 1 Imposition of Fee.....	27
12	Section 2 Schedule of Lower Fees for Municipalities.....	27
13	Section 3 Fee Schedule.....	27
14	Table 13.B.3-1 - Municipal Park Credit Schedule.....	28
15	Table 13.B.3-2 - Parks and Recreation Fee Schedule for Unincorporated PBC.....	28
16	Table 13.B.3-3 - Parks and Recreation Impact Fee Schedule for Schedule “A” Municipalities*	28
17	Table 13.B.3-4 - Parks and Recreation Impact Fee Schedule for Schedule “B” Municipalities*	29
18	Table 13.B.3-5 - Parks and Recreation Impact Fee Schedule for Schedule “E” Municipalities*	29
19	Table 13.B.3-6 - Parks and Recreation Impact Fee for Schedule “F” Municipalities*	29
20	Table 13.B.3-7 - Parks and Recreation Impact Fee Schedule for Schedule “I” Municipality*	29
21	Table 13.B.3-8 - Parks and Recreation Impact Fee Schedule for Schedule “J” Municipality*	30
22	Table 13.B.3-9 - Parks and Recreation Impact Fee Schedule for Schedule “K” Municipality*	30
23	Table 13.B.3-10 - Parks and Recreation Impact Fee Schedule for Schedule “P” Municipalities*	30
24	Table 13.B.3-11 - Parks and Recreation Impact Fee Schedule for Schedule “U” Municipality*	30
25	Table 13.B.3-12 - Parks and Recreation Impact Fee Schedule for Schedule “X” Municipality*	30
26	Table 13.B.3-13 - Parks and Recreation Impact Fee Schedule for Schedule “Y” Municipalities*	31
27	A. Benefit Zones	31
28	1. Establishment of Benefit Zones	31
29	a. Benefit Zone 1 (North).....	31
30	b. Benefit Zone 2 (Central).....	31
31	c. Benefit Zone 3 (South)	32
32	d. Benefit Zone 4 (Glades)	32
33	2. Identification of Benefit Zones	32
34	B. Establishment of Trust Funds.....	32
35	C. Use of Park Impact Fees	32
36	CHAPTER C FIRE-RESCUE IMPACT FEE	34
37	Section 1 Imposition of Impact Fee	34
38	Section 2 Fee Schedule.....	34
39	Table 13.C.2-14 - Impact Fee Schedule.....	34
40	Section 3 Benefit Zones	34

1	A. Establishment of Benefit Zones.....	34
2	1. Benefit Zone 1	34
3	2. Benefit Zone 2	35
4	Section 4 Establishment of Trust funds.....	35
5	Section 5 Use of Fire-Rescue Impact Fees	35
6	CHAPTER D LIBRARY IMPACT FEE.....	37
7	Section 1 Imposition of Fee	37
8	Section 2 Fee Schedule.....	37
9	Table 13.D.2-15 - Library Fee Schedule	37
10	Section 3 Benefit Zones	37
11	A. Establishment of Benefit Zones.....	37
12	1. Benefit Zone 1	37
13	2. Benefit Zone 2	37
14	Section 4 Establishment of Trust Funds.....	37
15	Section 5 Use of Library Impact Fees.....	37
16	CHAPTER E LAW ENFORCEMENT IMPACT FEE.....	39
17	Section 1 Imposition of Fee	39
18	Section 2 Fee Schedule.....	39
19	Table 13.E.2-16 – Law Enforcement Fee Schedule for Countywide Services Benefit Zone 1	39
20	Table 13.E.2-17 – Law Enforcement Patrol Fee Schedule for Unin.....	40
21	Section 3 Benefit Zones	40
22	A. Establishment of Benefit Zones.....	40
23	1. Area and Services in Benefit Zone 1	40
24	2. Area and Services in Benefit Zone 2.....	40
25	3. Area and Services in Benefit Zone 3.....	41
26	Section 4 Establishment of Trust Funds.....	41
27	Section 5 Use of Law Enforcement Impact Fees.....	41
28	CHAPTER F PUBLIC BUILDINGS IMPACT FEE.....	43
29	Section 1 Imposition of Fee	43
30	Section 2 Fee Schedule.....	43
31	Table 13.F.2-18 – Public Buildings Fee Schedule.....	43
32	Section 3 Benefit Zones	43

1	A. Establishment of Benefit Zones	43
2	Section 4 Establishment of Trust Funds	44
3	Section 5 Use of Public Buildings Impact Fees	44
4	CHAPTER G SCHOOL IMPACT FEE	46
5	Section 1 Imposition of Fee	46
6	Section 2 Fee Schedule.....	46
7	Table 13.G.2-19 – School Fee Schedule	46
8	Section 3 Benefit Zones	46
9	A. Establishment of Benefit Zones	47
10	1. Benefit Zone 1	47
11	2. Benefit Zone 2	47
12	3. Benefit Zone 3	47
13	4. Benefit Zone 4	47
14	5. Benefit Zone 5	47
15	B. Identification of Benefit Zones	47
16	Section 4 Establishment of Trust Funds.....	47
17	Section 5 Use of School Impact Fees.....	47
18	CHAPTER H ROAD IMPACT FEES.....	50
19	Section 1 Imposition of Fee	50
20	Section 2 Fee Schedule.....	50
21	Section 3 Land Uses Not Specified in Fee Schedule	50
22	Section 4 Use of Road Impact Fee Funds	50
23	Table 13.H.4-20 – Fair Share Road Impact Fee Schedule	51
24	Table 13.H.4-20 – Fair Share Road Impact Fee Schedule – Continued	52
25	Section 5 Benefit Zones	52
26	Section 6 Establishment of Trust Funds.....	52
27		
28		

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ARTICLE 13

IMPACT FEES

CHAPTER A GENERAL

Section 1 Intent, Authority and Findings

A. Intent

This article is intended to implement and be consistent with the Plan and to regulate the use and development of land. It is the intent of PBC that new development shall bear a proportionate share of the cost of capital expenditures necessary to provide park, fire-rescue, library, law enforcement, public building, schools and road capital facilities in PBC as is contemplated in the Plan. Impact fees shall not be used to collect more than is necessary to fund such capital facilities. The impact fees in this article are based on the Impact Fee Report, as amended, which establish a fair and equitable allocation of costs and recognize past and future payments from new development, as well as credits for in-kind contributions, and municipal provision of like facilities under certain circumstances. Funds collected from impact fees shall not be used to replace existing capital facilities or to fund existing deficiencies, but only to provide for new capital facilities which are necessitated by new development.

B. Authority

The provisions of this article are authorized by Art. 8, Signage, Sec. 1(g), Fla. Const., F.S. §§ 125.01 et seq., 163.3161 et seq., F.S. §236.24(1), and F.S. §380.06, F.S. § 1.3(2), the PBC Charter, and the Capital Improvements Element of the Plan. In addition, the provisions of this article are necessary for the implementation of the Plan. The inclusion of certain capital facilities in these impact fees shall not be construed as a limitation on the authority of PBC to impose impact fees for additional capital facilities consistent with Florida law.

C. Findings

PBC finds that the provisions of this article are land development regulations which are: necessary for the implementation of the Plan; needed to ensure that developments of regional impact are assessed impact fees under F. S. § 380.06; innovative land development regulations authorized by F. S. § 163.3202(3); necessary to ensure the coordination of new development and the provision of capital facilities, especially sites for new schools; a mandatory responsibility of PBC under the Local Government Comprehensive Planning and LDR Act, § 163.3161 et seq.; and necessarily and reasonably related to the public health, safety and welfare.

D. Definitions

1. In addition to the definitions set forth under Art. 18, the following definitions shall apply to this Article:

Benefit Zones - the geographic area as set forth in individual chapters of this Article within which impact fees are collected and spent.

Capacity - the maximum number of vehicles for a given time period which a road can safely and efficiently carry, usually expressed in terms of vehicles per day.

Capital Facilities Capital Improvements - land, infrastructure, structures, and fixtures having a cost or value of at least \$1,000; personal property and equipment having an aggregate cost or value of at least \$1,000; hard-bound books and materials having a cost or value of at least \$25,

which must be of a non-consumable nature and be expected to be in service for at least one year.

Capital Facility Costs - all costs directly associated with the acquisition, design, engineering, site preparation, construction and placement of a capital facility. It excludes operation and maintenance costs, and the repair, replacement, or renovation of existing capital facilities where the capital facility improvement does not add capacity.

Capital Fire-Rescue Facilities - the planning of, engineering for, acquisition of land for, or the construction of fire-rescue facilities and the purchase of equipment necessary to meet the LOS for Capital Fire-Rescue Facilities.

Capital Improvement Element – the Capital Improvement Element in the Plan.

Capital Road Facilities - Art. 18, Definitions.

Credit - a reduction in the particular impact fee based on: (1) previous payments for which no benefit was received and future payments of the development toward the capital facilities for which the impact fee is assessed; (2) a reduction of impact due to: redevelopment of existing square footage; other assessments for the same capital facilities; in-kind contributions; or, in the case of park impact fees, alternative municipal provision of like capital facilities, or proximity to the beach.

Development - as the context indicates, either the carrying on of construction or any physical alteration of a building or structure; the result of such activity; a legally divisible parcel of land developed under a common plan; or the change in any use of a structure or land that increases the impact on capital facilities for which the particular impact fee is assessed. It includes the placement of a mobile home for dwelling purposes.

Feepayer - the person paying the impact fee associated with a building permit or change in use, or the feepayer's agent.

Impact Fee Coordinator - Art. 18, Definitions.

Independent Calculation/Independent Analysis - the data, analysis and report prepared by a feepayer for the purpose of establishing a different impact fee amount than the one set forth in the Impact Fee Schedule.

In-kind Contribution - the conveyance, dedication, construction, placement, delivery or remittance of land, buildings, improvements, fixtures, personal property or money to PBC or the PBC School Board for capital facilities for which impact fees are levied in Art. 13, Impact Fees.

Major Road Network System - Art. 18, Definitions.

Mixed Use - a group of different uses of land within a tract of land or a building for which applications for development permits are sought.

New Capital Facilities - newly constructed, expanded or added capital facilities which provide additional capacity. New capital facilities shall not include that portion of reconstruction or remodeling of existing facilities that does not create additional capacity.

New Construction - structures for which the start of construction commenced on or after the effective date of this Code.

Office - a building used primarily for conducting the affairs of or the administration of a business, organization profession, service, industry or similar activity.

1 **Park, Beach/Park, District/Park, Regional** - Refer to Art. 5.D, Parks and Recreation Standards.

2
3 **Residential Development** - a building, or many buildings or dwelling units, or portion of a building
4 or land used primarily for human habitation.

5
6 **School Board** - Art. 18, Definitions.

7
8 **Site-related Improvements** - Art. 18, Definitions.

9
10 **Special Allocation** - the assignment by the BCC of impact fee credits for in-kind contributions to a
11 feepayer, or a portion of a development. It may involve the pro rating of impact fee credits for in-
12 kind contributions.

13
14 **Square footage** - refer to Building Square Footage in Art. 18, Definitions.

15
16 **Trip** - Art. 18, Definitions.

17
18 **Trip Generation** - Art. 18, Definitions.

19
20 **Unincorporated Area** - all of the area within the boundaries of PBC not within the boundaries of
21 any municipality. For the purposes of park impact fees it excludes the Boca Taxing District.

22
23 **Unincorporated Area (law enforcement)** - the unincorporated area of PBC and the municipalities
24 of Cloud Lake, Haverhill, Glen Ridge and Village of Golf.

25
26 **Valid** - for the purposes of Art. 13, Impact Fees, a development order or other authorization
27 which was legally issued, and that has not expired, lapsed, or been abandoned, revoked, or
28 canceled; or is not subject to such by the passage of time or the conduct of the owner or
29 developer, and on which or for which all conditions of approval are satisfied that must be satisfied
30 by the terms or conditions of approval.

31
32 **Value** - in the case of land, the appraised value as determined by an appraiser from a list of
33 approved appraisers of Palm Beach County. In the case of improvements to real property or
34 chattel, it means the actual cost to the feepayer or developer of such improvements or chattel. In
35 all cases, the values shall be established in or as if in an arm's length, bona fide transaction in a
36 competitive market between a willing seller and a willing buyer, neither of whom are under any
37 special circumstances, as approved by the Impact Fee Coordinator based upon the standards in
38 Art. 13, Impact Fees. If the Impact Fee Coordinator rejects an appraised value, the Impact Fee
39 Coordinator may obtain another appraisal using an appraiser from the approved list, in which
40 case that appraisal shall prevail.

41
42 **Section 2 Applicability**

43 This article shall apply to the unincorporated area of PBC and to the municipalities in PBC to the extent
44 permitted by the PBC Charter and Art.VIII, § 1(g), Fla. Const., unless otherwise expressly stated in this
45 article.

46
47 **Section 3 Exemptions**

48 The following development shall be exempt from payment of respective impact fees, as applicable:

- 49
50 A. Any development that results in no new impact on a capital facility for which the impact fee is
51 assessed.
52
53 B. The construction of accessory buildings or structures which will not produce new additional
54 impact on a capital facility over and above that produced by the principal building or use of the
55 land.

C. The construction of adult only residences that meet the Fair Housing Act exemption codified at 42 U.S.C. 3607, as may be amended; provided, however, that the feepayer files a Declaration of Restrictive Covenants prepared and signed by the Impact Fee Coordinator which prohibits persons nineteen years of age or younger from residing in the residence for more than sixty days per calendar year. The School Impact Fee Declaration of Restrictive Covenants must be filed with the Clerk of the 15th Judicial Circuit Court.

D. The construction of publicly owned and operated governmental buildings or facilities.

All applications for exemption must be approved by the Impact Fee Coordinator. A final decision of the Impact Fee Coordinator may be appealed pursuant to Art. 13.A.6.G, Appeal. All applications for exemption must be made in writing to the Impact Fee Coordinator prior to building permit issuance. In the event that the fee payer wishes to obtain building permits prior to the Impact Fee Coordinator's final approval, the fee payer may apply for the exemption and deposit the required impact fee assessment into an escrow account, pursuant to an escrow agreement in a form provided for by the Impact Fee Coordinator. PBC may assess a reasonable fee not to exceed its actual cost in processing the escrow agreement to be paid by the fee payer.

Section 4 Imposition of Fee

A. New Land Use

Any new land development creating an impact on any public facility as defined in this Code shall be required to pay impact fees in the amount and manner set forth in this article to help regulate the new land development's effect on those public facilities. No building permit for any land development requiring payment of an impact fee pursuant to this article shall be issued until the impact fee has been paid by the feepayer. No building permit for any land development requiring payment of an impact fee pursuant to this article shall be renewed or extended until the impact fee in effect at the time of the renewal or extension has been paid by the fee payer; provided, however, that additional impact fees will not be required where the development has completed and passed all applicable rough inspections for the proposed building permit. For those land uses that do not require a building permit, the impact fee shall be paid prior to receipt of a development order that initiates impact on public facilities. Payment of the impact fee shall not relieve the fee payer from the obligation to comply with Art. 2.F, Concurrency, or any other portion of this Code.

B. Expansion, Replacement or Change of Use of Existing Land Uses

Any existing land use that is expanded, replaced, or changed shall be required to pay impact fees based on the new or additional impact as a result of the expansion, replacement or change of use. The feepayer may be eligible for credit for the existing land use pursuant to Art. 13.A.11.A.1, Submission of Application.

Section 5 Computation of Impact Fee

A. General

At the option of the feepayer, the amount of the impact fee may be determined either by the Impact Fee schedules for each impact fee component pursuant to Art. 13.A.5.B, Impact Fee Schedule, Art. 13.H.3, Land Uses not Specified in Impact Fee Schedule, and Art. 13.H, Road Impact Fees, or by an independent calculation pursuant to Art. 13.A.6, Independent Fee Calculation. If the amount of the impact fee for the land use is not determined in the Impact Fee schedule and the feepayer opts not to conduct an independent calculation, the impact fee shall be determined by the Impact Fee Coordinator as described in Art. 13.A.5.C, Land Uses not Specified in Impact Fee Schedule, and Art. 13.A.5.B, Impact Fee Schedule, Art. 13.H.3.

B. Impact Fee Schedule

The impact fees in the Impact Fee schedules have been calculated using the data and methodologies described in the Impact Fee Report, as amended. Impact fees are applicable to new development in unincorporated PBC and the municipalities within PBC, and the impact fee

schedules establish impact fees based on the proportional impacts of, and benefits to, new development on and from capital facilities provided by PBC and the School Board.

C. Land Uses not Specified in Impact Fee Schedule

Except for road impact fees, if the type of land development for which a building permit or other appropriate permit is applied, is not specified on the impact fee schedule, the Impact Fee Coordinator shall use the impact fee applicable to the most nearly comparable type of land use on the Impact Fee schedule. For road impact fees, the Impact Fee Coordinator shall select the most comparable type of land use from the most current edition of Trip Generation, a publication of the Institute of Transportation Engineers (ITE). The Impact Fee Coordinator shall follow the procedure pursuant to Art. 13.A.6, Independent Fee Calculation Study, and Art. 13.H.3, Land Uses Not Specified in Fee Schedule.

D. Mixed Use

For mixed use development where there is a development order expressly identifying the type and proportion of uses within the development, the impact fee shall be determined by applying the fee schedule to the uses and proportions of use specified in the development order. For mixed use development where there is no development order specifically limiting the type and proportion of uses within the development, the impact fee shall be determined using the fee schedule for the most intense use.

E. Errors and Omissions

Errors and omissions identified by the Internal Auditor or other County reviewing personnel within four years of building permit issuance shall be corrected by the affected parties, including the feepayer. Impact fee in effect at the time of permitting shall be collected when identified. Computational or clerical errors do not excuse the affected parties, including the feepayer, from paying all impact fees due.

F. Biennial Review

Biennially beginning in January 1994, the Impact Fee Coordinator shall recommend to the BCC whether any changes should be made to the fee schedules to reflect changes in the factors that affect the fee schedules. This recommendation shall be as a result of a review of the data from which the fee schedules are calculated. The purpose of this review is to evaluate the level of service for each impact fee component to determine whether it should be adjusted based on changed conditions, to analyze the effects of inflation and other cost factors on the actual costs of capital facilities, to assess any changes in credits and generation rates and to ensure that the impact fee charged new land use activity impacting capital facilities will not exceed its pro rata share for the reasonably anticipated costs of capital facilities necessitated by the new land development.

Section 6 Independent Fee Calculation Study

A. General

If a feepayer opts not to have the impact fee determined according to the fee schedule, then the feepayer shall, at the feepayer's expense, prepare and submit to the Impact Fee Coordinator an independent fee calculation study for the proposed land use. An independent fee calculation study for road impact fees shall be submitted simultaneously to the Impact Fee Coordinator and the County Engineer. The independent fee calculation study shall follow the methodologies used in the Impact Fee Report. The independent fee calculation study shall be conducted by a professional in impact analysis. An independent fee calculation study for road impact fees shall be conducted by a professional in road impact fee analysis or by a registered engineer. The burden shall be on the feepayer to provide the Impact Fee Coordinator all relevant data, analysis and reports which would assist the Impact Fee Coordinator in determining whether the impact fee should be adjusted.

1 **B. Submission of Application**

2 The application for an independent calculation study shall be submitted to the Impact Fee
3 Coordinator, except that an independent calculation study for road impact fees shall be submitted
4 simultaneously to the Impact Fee Coordinator and the County Engineer. In the event that the
5 feepayer wishes to obtain building permits prior to the Impact Fee Coordinator's final approval,
6 the feepayer may submit an application and deposit impact fees as set forth in the impact fee
7 schedule into an escrow account, pursuant to an escrow agreement in a form provided for by the
8 Impact Fee Coordinator. A feepayer failing to submit an independent fee calculation study, or, if
9 necessary, an executed escrow agreement to the Impact Fee Coordinator prior to permit
10 issuance is deemed to have waived the right to an impact fee adjustment based on the
11 independent fee calculation study.
12

13 **C. Contents of Application**

14 The application shall be in a form established by the Impact Fee Coordinator and made available
15 to the public. The independent fee calculation study shall follow the methodologies used in the
16 Impact Fee Report. A feepayer wishing to perform an independent fee calculation study for road
17 impact fees shall prepare a traffic impact analysis, which shall include, as appropriate,
18 documentation of:
19

- 20 1. Trip generation rates appropriate for the proposed land use;
 - 21 2. Trip distribution and traffic assignments;
 - 22 3. Trip length data appropriate for the proposed land use;
 - 23 4. Any other trip data employed in the independent fee calculation that is appropriate for the
24 proposed land development; and
 - 25 5. Economic documentation included, but not limited to:
 - 26 a. Costs for roadway construction, including the cost of right-of-way, design, and
27 engineering appropriate for the necessary road improvements.
 - 28 b. Credits attributable to the proposed land use for roadway improvements which can be
29 expected to be available to replace the portion of the service volume used by the traffic
30 generated by the proposed land development.
 - 31 c. The shortfall when the credits attributable to the proposed land use are considered.
- 32
33
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36
37
38
39

40 **D. Determination of Sufficiency**

41 The Impact Fee Coordinator shall determine if the application is sufficient within five working days
42 of its receipt. If the Impact Fee Coordinator determines the application is not sufficient, a written
43 notice shall be mailed to the applicant specifying the deficiencies. No further action shall be taken
44 on the application until the deficiencies are remedied.
45

46 **E. Action by Impact Fee Coordinator**

47 **1. Impact Fees Other Than Roads**

48 For other than road impact fees, within ten working days after the application is determined to
49 be sufficient, the Impact Fee Coordinator shall review the application, and if the application
50 clearly demonstrates by the methodology described in the Impact Fee Report that the
51 proposed land will use capital facilities less than that projected in the impact fee component,
52 the Impact Fee Coordinator shall appropriately adjust the impact fee.
53
54
55
56

1 **2. Road Impact Fees**

2 For road impact fees, within 15 working days after the application is determined to be
3 sufficient, the County Engineer shall review the application and, if the application clearly
4 demonstrates (using the formulae described in this Section) that the proposed land use will
5 create fewer trips than projected in the road impact fee component. The County Engineer
6 shall make a written recommendation to the Impact Fee Coordinator on adjusting the road
7 impact fee. If the Impact Fee Coordinator concurs, the Impact Fee Coordinator shall
8 appropriately adjust the impact fee within five working days of receipt of the County
9 Engineer's recommendation.

10
11 **3. Responsibility of Feepayer**

12 The burden shall be on the feepayer to provide all relevant data, analysis and reports which
13 would assist the Impact Fee Coordinator and, in the case of roads, the County Engineer in
14 making a determination of the appropriate impact fee. The analysis and report must be based
15 on generally accepted methods and the formulas for the specific impact fee component in the
16 Impact Fee Report, or in the case of roads, the methods and formulas described in this
17 Section and below in Art. 13.H, Road Impact Fees. A feepayer wishing to provide additional
18 information after submitting the initial independent fee calculation study must do so no later
19 than 30 days after the date of the Impact Fee Coordinator's determination of sufficiency. The
20 Impact Fee Coordinator will not accept additional information relevant to an independent fee
21 calculation study after this deadline. If the impact fee is adjusted the feepayer shall provide a
22 copy of the Impact Fee Modification Certificate at the time of permit issuance. Failure to
23 provide a copy of the certificate at the time of permit issuance shall constitute a waiver of any
24 adjusted impact fee.

25
26 **4. Decision in Writing**

27 The decision of the Impact Fee Coordinator to adjust or to refuse to adjust the impact fee
28 shall be in writing and shall be transmitted to the applicant by certified mail within five days of
29 the decision. An approved adjustment shall be issued in the form of an "Impact Fee
30 Modification Certificate" which shall include information regarding:

- 31
32 a. Project location and name if available;
33
34 b. square footage of project;
35
36 c. adjusted trip generation; and
37
38 d. property control numbers.

39
40 **F. Covenant Running with the Land**

41 The Impact Fee Coordinator shall require that a covenant running with the land be executed and
42 recorded in the official records of the Clerk of the Circuit Court on the development's land before
43 the building permit is issued in cases where:

- 44
45 1. The independent fee calculation is based on a use of land having a lesser impact than set
46 forth in the impact fee schedule; or
47
48 2. The development could be put to a use having a greater impact than that proposed in the
49 independent fee calculation study without being required to secure a permit or approval for
50 the use; or
51
52 3. For such other reasons that make a covenant necessary to ensure compliance with this
53 article.
54

1
2
3 **G. Appeal**
4

- 5 1. Any applicant may appeal the decision of the Impact Fee Coordinator by filing an appeal with
6 the Impact Fee Appeals Board (IFAB) within 15 working days of a decision by the Impact Fee
7 Coordinator. The appeal must state with specificity the reasons for the appeal and shall
8 contain such data and documentation upon which the applicant seeks to rely.
9
10 2. The Impact Fee Coordinator shall schedule an appeal before the Impact Fee Appeals Board
11 no later than 90 working days after an appeal has been filed. The Impact Fee Appeals Board
12 shall notify the applicant within 15 working days of the hearing and invite the applicant or the
13 applicant's representative to attend the hearing. Any of the time limitations set forth in this
14 paragraph may be waived upon mutual agreement of the Impact Fee Coordinator and the
15 party filing the appeal.
16
17 3. At the hearing, the IFAB shall provide the applicant and the Impact Fee Coordinator an
18 opportunity to present testimony and evidence, provided such information was part of the
19 review before the Impact Fee Coordinator. The IFAB shall reverse the decision of the Impact
20 Fee Coordinator only if there is substantial competent evidence in the record that the Impact
21 Fee Coordinator erred from the standards in this Section.
22
23 4. Any aggrieved party, including PBC, may appeal an order of the Impact Fee Appeals Board
24 to the Fifteenth Judicial Circuit Court of PBC. Such appeal shall not be a hearing de novo,
25 but shall be a petition for Writ of Certiorari and the Court shall be limited to appellate review
26 of the record created before the Board. PBC may assess a reasonable impact fee for the
27 preparation of the record to be paid by the Petitioner in accordance with F.S. § 119.07, as
28 amended from time to time.
29

30 **Section 7 Collection and Administrative Fees**

31 **A. Timing and Collection of Payment**
32

33 **1. Collected at Building Permit or Other Development Order**

34 The person applying for issuance of a building permit shall pay the impact fee to the PZB
35 Department, or to the person designated by a municipality to collect the impact fee (if the
36 municipality is collecting the impact fee), prior to the issuance of a building permit, or if a
37 building permit is not required, prior to issuance of the development order that authorizes
38 development which places impact on capital facilities for which impact fees are charged.
39

40 **2. Municipality May Require Direct Payment to County**

41 A municipality that is reviewing its own applications for development permits may opt to have
42 PBC collect the impact fees, pursuant to interlocal agreement. If PBC is the permitting
43 authority for the municipality by interlocal agreement, no additional interlocal agreement is
44 necessary for PBC to collect impact fees for permits issued for that municipality. If PBC
45 collects the impact fees, the municipality shall not be entitled to the administrative impact fee.
46 PBC shall not charge the municipality for collecting the impact fee. The municipality shall be
47 responsible for ensuring that all impact fees are paid before issuing any building permit or
48 other permit.
49

50 **3. Municipalities are Collecting Agents**

51 Municipalities collecting impact fees under this Section are acting only as collecting agents
52 for PBC. Such municipalities shall be responsible to PBC for the proper collection and
53 remittance of impact fees, but shall not be liable for the inadvertent miscalculation of impact
54 fee amounts.
55

1 **B. Administrative Fees**

2 The local government collecting the impact fee shall be entitled to retain two percent of the funds
3 collected to cover the costs associated with the collection of the impact fees, and in the case of
4 the County, the administration, investment, accounting, expenditure, and auditing of the funds.
5

6 **C. Fees Transferred to Trust Funds**

7
8 **1. Fees Collected by County**

9 All impact fees collected by the County, less the two percent administrative fee, shall be
10 properly identified by benefit zones for each impact fee component and transferred daily for
11 deposit in the appropriate impact fee trust funds to be held in separate accounts for each
12 impact fee component and each benefit zones.
13

14 **2. Fees Collected by Municipalities**

15
16 **a. On Time Remittance**

17 All impact fees collected by the municipalities, less the two percent administrative fee,
18 shall be remitted to the County Finance Department within 15 calendar days following the
19 month in which the impact fees are collected. One draft may be used to remit the funds
20 to PBC. Funds received from the municipalities shall be deposited promptly in the
21 appropriate impact fee trust funds.
22

23 **b. Late Remittance**

24 If the impact fees are not remitted within 15 calendar days following the month in which
25 the impact fees are collected, the municipality shall forfeit its two percent administrative
26 fee. In the event the impact fees are not remitted by the 25th calendar day of the month
27 following the end of the month in which the impact fees are collected, the municipality
28 shall forfeit its two percent administrative fee and shall pay simple interest at the statutory
29 rate on the entire amount accrued to PBC. Interest shall accrue beginning the first day of
30 the month following the end of the month in which the impact fees are collected by the
31 municipality. For the purposes of this Section, funds shall be considered to have been
32 remitted to PBC on the date postmarked, if transmitted by certified mail with the proper
33 postage.
34

35 **c. Transfer of Receipts**

36 If receipts are transferred in accordance with Art. 13.A.7.C, Fees Transferred to Trust
37 Funds, the municipalities may retain any interest earned on impact fees collected prior to
38 the transfer of the funds to PBC in addition to the two percent to offset the costs of
39 collecting, remitting and accounting for the funds.
40

41 **D. Record Keeping**

42 Records shall be maintained by all local governments to ensure proper accounting controls. PBC
43 shall have the authority to audit the records of any municipality to ensure the procedures and
44 standards of this Section are being met by the municipality. Public reports on impact fees shall be
45 provided by the Impact Fee Coordinator on at least an annual basis and distributed to each
46 municipality. Such reports will account for receipts of impact fees for each impact fee, by benefit
47 zones and municipality, and encumbrances and expenditures of the funds by benefit zone.
48

49 **E. Impact Fee Coordinator to Furnish Information and Advice to the Municipalities**

50 The Impact Fee Coordinator shall furnish such information and advice to the municipalities
51 necessary to ensure proper collection, remittance, accounting, controls and auditability.
52
53
54

1 **Section 8 Benefit Zones and Trust Funds**

2 **A. Establishment of Benefit Zones**

3 One or more impact fee benefit zones are hereby established for each impact fee component.
4 The benefit zones are identified in Art. 13.B, County, District, Regional, and Beach Parks Impact
5 Fee – Art. 13.H, Fair Share Road Impact Fees, for each impact fee component.
6

7 **B. Establishment of Trust Funds**

8 Separate impact fee trust funds for each impact fee benefit zones for each impact fee component
9 are hereby established for the purpose of earmarking all impact fees so that all expenditures of
10 impact fees sufficiently benefit new development in the benefit zones from which the impact fees
11 were collected.
12

13 **Section 9 Use of Impact Fees**

14 **A. Investment in Interest Bearing Accounts**

15 All impact fees on deposit in the trust funds shall be invested in interest bearing sources, and the
16 income derived shall be applied to the applicable trust funds.
17

18 **B. Limitation Within Benefit Zones**

19 Impact fees collected shall be used exclusively for new capital facilities for the impact fee
20 component within the impact fee benefit zones from which the impact fees were collected, except
21 that if an impact or traffic analysis made by a professional experienced in impact analysis and
22 approved by the Impact Fee Coordinator demonstrates that a planned development substantially
23 impacts the need to expand the capacity of specific public capital facilities in another benefit
24 zones, then impact fees paid by that planned development may be expended on those specific
25 capital facilities in another benefit zones.
26

27 **C. Expenditures Shall Benefit New Development**

28 Impact fees shall be used only for capital facility costs for which the impact fees are levied and
29 which add capacity needed to serve new development.
30

31 **D. Non Lapsing**

32 The respective trust funds shall be non-lapsing.
33

34 **E. Annual Capital Facility Programs**

35 Annually, the County Administrator shall present to the BCC a proposed capital improvement
36 program for each public facility for which an impact fee is charged, assigning funds, including any
37 accrued interest, from the several impact fee trust funds to specific improvement projects and
38 related expenses. Monies, including any accrued interest not assigned in any fiscal period shall
39 be retained in the same impact fee trust funds until the next fiscal period, except as provided by
40 the refund provisions of this Article.
41

42 **Section 10 Refunds**

43 **A. General**

44 **1. Non-Commencement of Construction**

45 If a building permit or other permit requiring payment of an impact fee expires or is canceled
46 or revoked, the structure has not been completed, and no certificate of occupancy has been
47 issued, or if the permit is modified prior to completion of construction so as to change the
48 land use or structure to one of lower impact than that on which the permit was originally
49 issued, and the impact fee paid for approval of the permit has not been encumbered or spent
50 by PBC, then the feepayer or a successor in interest to the real property shall be entitled to a
51 refund if an application for refund is submitted within one year of the permit's expiration,
52 cancellation, revocation or modification, or of the event giving rise to the refund and within
53

three years of the payment of the impact fee, except that PBC shall retain an additional two percent of the impact fee to offset the costs of administering the refund.

2. Untimely Encumbrance

a. Untimely encumbrance

Notwithstanding Art. 13.A.10.A.1, Non-Commencement of Construction, above, if PBC fails to encumber the impact fees paid by the feepayer by the end of the calendar quarter immediately following six years from the date the impact fees are paid, and fails to spend the impact fee within nine years of the end of the calendar quarter in which the impact fees are paid, the feepayer or a successor in interest shall be entitled to a refund except that PBC shall retain an additional two percent of the impact fee to offset the costs of refund. The feepayer or successor in interest shall submit an application for refund to the Impact Fee Coordinator, within one year following the end of the calendar quarter in which the right to a refund occurs. In determining whether the impact fee paid by the feepayer has been encumbered or spent, monies in the trust funds shall be considered to be expended on a first in, first out basis; that is, the first impact fees paid shall be considered the first monies withdrawn.

b. Notification of Potential Refund

If more than five percent of the impact fees collected in any fiscal year within any trust funds are unencumbered after the end of the sixth fiscal year following the fiscal year in which the impact fees were collected, PBC shall notify the present owners of lands for which the unencumbered impact fees were paid of the possibility of a refund. Any claim for a refund of impact fees shall be deemed waived if application for a refund is not received within six months of the mailing or delivery of such notice.

B. Procedure to Obtain Refund

1. Submission of Application

An application for refund shall be submitted to the Impact Fee Coordinator on a form provided by the Impact Fee Coordinator.

2. Contents of Application

The application shall be in a form established by the Impact Fee Coordinator and made available to the public, and shall contain the following:

a. Receipt

A copy of the dated receipt issued for payment of the impact fee;

b. Permit

If the refund is requested due to non-commencement of construction, and the permit was issued by PBC, the building permit or other permit for which the impact fees were paid;

c. Evidence

If the refund is requested due to non-commencement of construction, evidence that the applicant is the feepayer or a successor in interest to the feepayer;

d. Documents

If the refund is requested due to the County's failure to encumber or spend funds, a notarized sworn statement that the applicant is the current owner of the land for which the impact fee was paid, a certified copy of the current deed, and a copy of the most recent ad valorem tax bill;

1 **e. Cancellation of Permit**

2 If relevant, proof from the municipality that the permit has been canceled, and a copy of
3 the permit issued by the municipality; and

4
5 **f. Date Fund Forwarded**

6 If relevant, the date on which the municipality forwarded the funds to PBC.
7

8 **3. Determination of Sufficiency**

9 The Impact Fee Coordinator shall determine if the application is sufficient within five working
10 days.

11
12 **a. Sufficiency**

13 If the Impact Fee Coordinator determines the application is not sufficient, a written notice
14 shall be mailed to the applicant specifying the deficiencies. No further action shall be
15 taken on the application until the deficiencies are remedied.

16
17 **b. Notification**

18 If the application is determined sufficient, the Impact Fee Coordinator shall notify the
19 applicant, in writing, of the application's sufficiency and that the application is ready for
20 review pursuant to the procedures and standards of this Article.
21

22 **4. Action by Impact Fee Coordinator**

23 Within 45 working days after the application is determined sufficient, the Impact Fee
24 Coordinator shall review and approve or deny the application based upon the standards in
25 Art. 13.A.10, Refunds.

26
27 **a. Appeal**

28
29 **1) Regulation**

30 The decision of the Impact Fee Coordinator may be appealed pursuant to Art.
31 13.A.6.G, Appeal.
32

33 **Section 11 Credits**

34 **A. General**

35 Credit against impact fees shall be given to the feepayer or a successor in interest to the property
36 for the following, as limited or permitted by specific provisions of this Section.
37

38 **1. Submission of Application**

39 All applications for credit must be approved by the Impact Fee Coordinator. An application for
40 credit shall be on a form provided by the Impact Fee Coordinator. In the event that the
41 feepayer wishes to obtain building permits prior to the Impact Fee Coordinator's final
42 approval, the feepayer may submit an application and deposit impact fees as set forth in the
43 impact fee schedule into an escrow account, pursuant to an escrow agreement in a form
44 provided for by the County. A final decision of the Impact Fee Coordinator may be appealed
45 pursuant to Art. 13.A.6.G, Appeal.
46

47 **2. Redevelopment of Existing Building/Change in Land Use**

48
49 **a. Determination**

50 Where alteration, expansion or replacement of a building or unit, or a change in land use
51 which involves any increase in the number of units or square footage, or a change in use
52 resulting in new impacts on a capital facility for which the impact fee is assessed, existing
53 use credit shall be given for the number of existing units or square footage based upon
54 the previous land use and applied against impact fees otherwise due. The burden of

1 verifying the previous land use and units or square footage as applicable shall be on the
2 feepayer.

3
4 **b. Certification**

5 The feepayer shall provide to the local government issuing the building permit a
6 certification of an architect, engineer, surveyor, contractor, or the building official having
7 jurisdiction, setting forth the square footage of the existing building. In the case of an
8 addition to an existing residential building, the feepayer, at the feepayer's sole option,
9 may pay the impact fee for the addition as if it alone were a new building rather than
10 provide the certification setting forth the square footage of an existing building.

11
12 **c. Abandoned Use**

13 A use of a structure or land which has been abandoned shall be considered existing for
14 the purposes of calculating existing use credit pursuant to this Section. The burden of
15 verifying the previous land use and units or square footage as applicable shall be on the
16 feepayer.

17
18 **3. Special District Assessments**

19 Where, upon prior approval by PBC, the same new capital facility is provided by a special
20 district rather than PBC and the feepayer is assessed for the new capital facility, the County
21 shall by interlocal agreement with the special district, apply the impact fees collected from the
22 benefited property to retire debt issued by the district to finance the capital facility.

23
24 **4. In-Kind Contributions**

25 In-kind contributions made by a development to PBC shall be credited against the
26 development's impact fees, but only to the impact fee component for which the in-kind
27 contribution is made. For example, credits received for a park contribution may be applied
28 only against park impact fees and not against fire-rescue impact fees. No credit shall be
29 given for in-kind contributions that are not new capital facilities or which were not made for
30 capital facilities costs.

31
32 **a. Time for Giving of Credit**

33 Credit shall be given for land at such time as marketable title in impact fee simple
34 absolute is conveyed to the County, free of encumbrances with such documentation and
35 requirements set by the BCC or the County Administrator or the acceptance of real
36 property. Credit shall be given for personal property at such time as a bill of sale absolute
37 and, where applicable, title for such property is delivered to PBC. Credit shall be given at
38 such time as the funds are delivered to PBC. In the case of in-kind road facility
39 contribution, credit will be given when the construction is completed and accepted by
40 PBC. Credit against road impact fees may be given before completion of the specified
41 roadway construction if the fee payer posts security in form and amount acceptable to
42 the County Engineer. In no event shall the amount of credit given exceed the actual cost
43 of the construction determined by the County Engineer and the Impact Fee Coordinator
44 to be eligible for road impact fee credit.

45
46 **b. In-Kind Contributions Made Prior to October 1, 1989,
47 for Facilities Other Than Roads**

48 In the case of in-kind contributions other than road facilities made to PBC prior to
49 October 1, 1989, and except as specifically provided in the development order or
50 Development Agreement, the value of the in-kind contribution at the time of its
51 conveyance, dedication, construction, placement, delivery or remittance shall be
52 apportioned between building permits for which a complete application was made prior to
53 October 1, 1989 and building permits in the development which remain to be issued and
54 for which no complete application was made as of October 1, 1989. The portion of the
55 value allocated to building permits made on or after October 1, 1989, shall be adjusted to
56 its present value as of October 1, 1989, using a compound interest rate of six percent per

1 year, compounded quarterly. Only that portion of the contribution allocated to building
2 permits for which a complete application was filed on or after October 1, 1989, shall be
3 credited against impact fees. For the purpose of apportioning the contribution between
4 uses and square footage or dwelling units, the number of permits shall be determined
5 using the most recently approved master plan or site plan, the size and use of the
6 buildings proposed for the remainder of the development, the effect of other land
7 development regulations on the feepayer's ability to complete the development as
8 proposed, and other information deemed relevant by the Impact Fee Coordinator. If the
9 conveyance, dedication, construction, placement, delivery or remittance was required to
10 be made prior to October 1, 1989, pursuant to a condition in a development order, a
11 Development Agreement, or otherwise required by a local government, the value of the
12 conveyance shall be established as of the required date of contribution. The present
13 value of the contribution as of October 1, 1989 shall be established at six percent per
14 year from the required date of the contribution. The apportionment of the value of the
15 contribution to building permits shall be based on the date on which the contribution was
16 to have been made. At the option of the feepayer, any remaining credit may be adjusted
17 by the percentage change in the cost of the capital facility when PBC reviews capital
18 facilities costs in the review and update process.

19
20 **c. In-Kind Contributions for Road Facilities**
21 **Prior to March 1, 1989**

22 In-kind contributions for road facilities from developments in municipalities not previously
23 subject to road impact fees shall be apportioned according to the provisions in Art.
24 13.A.11.A.4.b, In-Kind Contributions Made Prior to October 1, 1989, for Facilities Other
25 Than Roads, except that the effective date for apportionment of the credit shall be March
26 1, 1989.

27
28 **d. In-Kind Contributions Made after October 1, 1989,**
29 **Except Road Facility Contributions**

30 The standards of this Section shall apply to the valuation of any in-kind contribution made
31 after October 1, 1989, except as provided elsewhere in this article.

32
33 **e. Valuation of In Kind Road Facility Contribution**

34 If the value of the in-kind contribution increase (as evidenced by an increase in Road
35 Impact Fee rates) between the time of the in-kind contribution and the time of the
36 issuance of a building permit, the developer may apply for additional credit by submitting
37 an independent calculation to the Impact Fee Coordinator, for review by the PBC
38 Engineering Department. Such application must be made within six months of the
39 effective date of a road impact fee increase, or this right shall be waived. The
40 independent calculation must be prepared by a state registered engineer or a
41 professional in impact analysis and must demonstrate that the current cost of
42 reproducing the road construction has increased and therefore the value of the in-kind
43 contribution has correspondingly increased. Any additional credit shall not exceed the
44 percentage of increase of the road impact fee.

45
46 **5. Credits for Contributions to Local Governments Other Than PBC**

47 Contributions of or for new capital facilities to a local government other than PBC or by a
48 special district may be given only upon an application to the Impact Fee Coordinator.
49 Approval of the Impact Fee Coordinator must be obtained prior to the contribution. The
50 Impact Fee Coordinator, after consultation with the agency charged with supervising the
51 provision of the new capital facility, shall determine whether the contribution shall receive a
52 credit based on the following standards.

53
54 **a. Consistency**

55 Consistency with the Plan as to the cost, location, and size of the facility and its timing.
56

- 1 **b. Amount**
2 The amount that would be spent by PBC if it were to construct the same new capital
3 facility.
4
5 **c. Extent**
6 The extent to which the new capital facility provides the same or similar functions as the
7 new capital facility for which the credit is sought.
8
9 **d. Continuity**
10 The extent of control that PBC has in ensuring that the new capital facility will continue to
11 provide the same or similar functions.
12
13 **e. Availability**
14 Whether the new capital facility is open or available to all persons regardless of
15 residency.
16
17 **f. Plans**
18 The short and intermediate-range plans of the agency which would receive the impact
19 fee funds regarding the timing, location, cost and size of the new capital facility.
20
21 **g. Impact**
22 The impact of encouraging new development in the area that would be served by the
23 new capital facility or the ability of local government or the special district to provide other
24 needed infrastructure and services.
25
26 **h. Pattern**
27 The pattern of development and its relationship to other development, infrastructure, and
28 resources that could result from encouraging new development.
29
30 **i. Budget**
31 The budget of PBC and other local governments, and the allocation of revenues within
32 those local governments.
33
34 **6. Special Provisions for Park Credits**
35 No credit shall be given for park contributions or dedications required by Art. 5.F,
36 Concurrency, regarding Community and Neighborhood Park Recreation Standards. No such
37 contribution or dedication shall be used for County District, Regional or Beach Parks.
38 Contributions for County Parks resulting from Art. 2.F, Concurrency, shall be credited as
39 provided above. In-kind contributions of capital facilities which are not County District,
40 Regional, or Beach Parks, if accepted by the County, shall be provided partial credit as
41 follows:
42
43 **a. Forty to Sixty Acres**
44 75 percent of the value at the time of conveyance, dedication, construction, placement,
45 delivery or remittance shall be credited in accordance with the other provisions of this
46 Section for contributions for or of County parks less than 60 acres but equal to or more
47 than 40 acres;
48
49 **b. Twenty to Forty Acres**
50 50 percent of the value at the time of conveyance, dedication, construction, placement,
51 delivery or remittance shall be credited in accordance with the other provisions of this
52 Section for contributions for or of County parks less than 40 acres but equal to or more
53 than 20 acres;
54
55 **c. Twenty Acres or Less**

1 25 percent of the value at the time of conveyance, dedication, construction, placement,
2 delivery or remittance shall be credited in accordance with the other provisions of this
3 Section for contributions for or of County parks less than 20 acres.
4

5 **7. Special Provisions for School Credits**

6 **a. General**

7 Dedications of land for use as school may, if accepted by the School Board, be credited
8 against school impact fees. The School Board or the Superintendent shall have
9 responsibility for evaluating, according to the standards contained herein, a proposed
10 dedication under this subsection. An application for a dedication credit shall be in a form
11 prescribed by PBC, and shall contain such information as to guide the School Board and
12 Superintendent in reviewing the application for consistency with these standards. If any
13 credit against any school impact fees is given, the dedication shall be credited in an
14 amount equal to its full fair market value at the time of dedication, and shall not exceed
15 the full dedication cost. The proposed dedication shall comply with, and be reviewed
16 considering, the following standards.
17

18 **1) Location**

19 The proposed dedication shall be located so as to provide the greatest access to
20 students. If a single development will not generate sufficient students to fill a school,
21 it should be located so as to be easily accessible to students from neighboring areas.
22

23 **2) Distance**

24 The proposed dedication shall create an appropriate distance between existing or
25 planned schools: one mile for elementary schools, two miles for middle schools, and
26 three miles for high schools.
27

28 **3) Hazards**

29 The proposed dedication and surrounding areas shall be free from health or safety
30 hazards and shall be protected against noise, air pollution and/or odors.
31

32 **4) Access**

33 The proposed dedication shall be accessible from two different streets, with one
34 street preferably a collector street. This standard shall be waived for elementary or
35 middle schools if access is available on one street from two directions. Dedications
36 should not be located on arterial roads; however, if such dedications are proposed,
37 they may be considered if provision is made for the construction of overpasses or
38 pedestrian lights. The construction of median cuts, left turn lanes and storage lanes
39 shall be practicable to facilitate access to the proposed dedication by buses and
40 automobiles.
41

42 **5) Safe Transit**

43 The proposed dedication shall be located so as to facilitate safe transit to
44 neighboring areas by sidewalks, walkways and/or bike paths.
45

46 **6) Services**

47 The proposed dedication shall be evaluated for the availability of central water and
48 sewer, electricity and phone services and for its proximity to fire hydrants.
49

50 **7) Entrances**

51 All proposed dedications shall allow at least two separate entrances for school buses
52 and staff; high school dedications shall also provide separate entrances for students
53 and parent drop off. All dedications shall allow for adequate parking for buses;
54 elementary and middle school dedications shall allow for parking for one hundred
55

twenty staff automobiles, high schools dedications shall allow for two hundred twenty five staff and four hundred twenty five student parking spaces.

8) Minimum Size/Dimensions

In addition to providing sufficient area to accommodate on site retention of stormwater, proposed school dedications shall be of the following minimum sizes and shall have the following minimum dimensions: elementary schools shall have a minimum site size of 15 acres, with a minimum 780 feet of frontage and 840 feet of depth; middle schools shall have a minimum site size of 25 acres, with a minimum frontage of 800 feet and a depth of 1360 feet; high schools shall have a minimum site size of fifty 50 acres, with a minimum frontage of 1200 feet and a depth of 1800 feet.

9) Bus Stops

When the school dedication is located within a residential development, provision of a circulation system or turnaround area with a 90-foot diameter shall be available so that buses need not back up to leave the development. Bus stop locations, preferably located adjacent to a public area such as a park, shall be provided so that buses do not have to enter the development.

10) Consistency

The dedication shall be examined for consistency of the proposed use with applicable comprehensive plans, land development regulations, and concurrency provisions.

b. Consideration and Acceptance by School Board

All applications for a school credit shall be reviewed and a response issued by the Superintendent or the School Board within 60 working days of the submission of the application. If the request is approved, the Superintendent shall notify the Impact Fee Coordinator, and if other than PBC, the local government issuing the development permits. The Impact Fee Coordinator shall determine the value or the credit. No credit shall be given until the dedication is conveyed to the School Board in accordance with this Section.

c. Conveyance to the School Board

To convey dedications to the School Board, the feepayer shall provide, at no cost to the School Board and in a form approved by the School Board's attorney, the following documents.

1) Abstract of Title

A complete and current abstract of title together with a title insurance commitment to insure the property in a sum agreed to by the School Board, such to be delivered to the School Board;

2) Warranty Deed

A warranty deed, along with sufficient funds to record the deed, to be delivered to the School Board or the title insurance agent.

3) Taxes

Evidence that taxes for the current year have been placed in escrow pursuant to F.S. §, 196.296, as amended, or that the taxes have been paid.

4) Insurance

A completed title insurance policy issued subsequent to the recording of the deed and the escrow of taxes.

1 **d. Return of School Dedication**

2 In the event that a dedication accepted by the School Board is not utilized within ten
3 years of its conveyance, the grantor may request that the dedication be reconveyed by
4 the School Board to the grantor, in which case the School Board shall reconvey the
5 dedication.
6

7 **8. Special Provisions for Road Credits**

8
9 **a. General**

10 The feepayer may elect to propose construction of a portion of the major road network
11 system in addition to any required site related improvements. The feepayer shall submit
12 the proposed construction along with a certified engineer's cost estimate to the Impact
13 Fee Coordinator, with a copy to the County Engineer. The County Engineer shall
14 determine if the proposed construction is eligible for road impact fee credit, based on the
15 following criteria:
16

- 17 1) The proposed road construction must be on the major road network;
18 2) The proposed road construction must not be site-related improvements;
19 3) The proposed road construction must be required to meet the requirements of TPS
20 for the development as defined in Art. 12, Traffic Performance Standards.
21

22 Exceptions to criterion number three above may only be made upon approval of the
23 BCC. No exceptions shall be made to criteria one and two. If the proposed road
24 construction meets the criteria for credit, the County Engineer shall determine the
25 amount of credit to be given, and the timetable for completion of the proposed
26 construction, and shall recommend the approval and the amount of credit to the Impact
27 Fee Coordinator.
28

29 **b. Credits for Construction within Site**

30 Where a proposed major road network runs through a development and where the
31 feepayer is required to construct two lanes of the road, the feepayer may elect, upon
32 submission of a certified cost estimate to the Impact Fee Coordinator and upon the
33 recommendation of the County Engineer and the approval of the Impact Fee
34 Coordinator, to construct more than two lanes and receive credit for the additional cost of
35 the additional lanes constructed. In addition to all other site-related improvements, the
36 primary two lanes within the site's boundaries shall be considered site-related.
37

38 **c. Other Costs Credited**

39
40 **1) Off-Site Right-Of-Way Acquisition**

41 The cost of major road network rights-of-way acquired at the cost of the feepayer
42 shall be credited where the right-of-way is outside of the site, and not site related.
43 The costs shall be approved by the County Engineer and the Impact Fee Coordinator
44 based upon the appraised value of the land acquired. The credit shall not exceed the
45 appraiser's approved value, except in the event that a settlement in lieu of,
46 condemnation results in payment in excess of the appraiser's value, in which case
47 credit shall not exceed the amount paid. Costs incurred by PBC in acquiring such off-
48 site right-of-way which are paid for by the feepayer shall be credited to the feepayer.
49

50 **2) Plan Preparation**

51 Costs of plan preparation for major road network construction shall be credited if
52 approved by the County Engineer and the Impact Fee Coordinator based upon
53 reasonable costs associated with the preparation of such plans.
54
55
56

1 **3) Costs Creditable**

2 Credit shall be given only for the cost of plans preparation, off-site R-O-W
3 acquisition, and/or construction.
4

5 **9. Application of Credits**

6 The credit shall be applied to the respective full impact fee associated with the first building
7 permits issued for the development for which complete application was made on or after
8 October 1, 1989, or if the credit is for roads, the date upon which the road impact fee was
9 effective within the development, until the credit is exhausted. After such exhaustion the
10 remainder of the impact fee for which a credit was obtained shall be paid in full. The credit
11 shall be calculated and applied in dollar amounts and not in number of permits.
12

13 **10. Special Allocation of Credits**

14 Provided that the conditions of this Subsection are satisfied, the fee payer making an in-kind
15 contribution, or its heirs, assigns or successors in interest, may have all or some portion of
16 the resulting credit allocated to specific parcels within the benefited development.
17

18 **a. Past Administrative Practices to Continue**

19 Notwithstanding any other provisions of this subsection, if fair share contributions have
20 been prorated or assigned to a portion of a development through past practices, no
21 application for a special allocation need be made, provided that a covenant is executed
22 in accordance with Art. 13.A.10.e, Covenant, below.
23

24 **b. Application for Special Allocation**

25 Unless expressly prohibited by a development order, any feepayer who makes an in-kind
26 contribution may petition the BCC for a special allocation of the respective impact fee
27 credit by filing an application with the Impact Fee Coordinator. For in-kind contributions
28 made after October 1, 1989, the application shall be made concurrently with the
29 contribution. Only one special allocation shall be made for each in-kind contribution made
30 by the feepayer.
31

32 **1) Parcels Identified**

33 The application shall state the purpose for which the special allocation is desired and
34 shall clearly identify by legal description the specific parcel or parcels of land within
35 the development to which the credit is allocated; and
36

37 **2) Notice Requirements**

38 **a) Mailing**

39 Prior to scheduling the application for a Special Allocation for consideration by
40 the BCC, the Applicant shall, at its own cost, provide appropriate courtesy notice
41 to all owners of record of any undeveloped land within the affected development.
42 The courtesy notice shall be by certified mail, return receipt requested, to the
43 person whose name appears in the last approved ad valorem tax records of the
44 PBC Property Appraiser's Office. The notice shall briefly state the nature of the
45 Special Allocation application and request the recipient to submit, to the Impact
46 Fee Coordinator within no more than 15 days of receipt, any relevant information
47 the recipient may have bearing on the Applicant's right to a Special Allocation.
48

49 **b) Advertisement**

50 In addition, the Applicant at its own cost shall place a notice of the proposed
51 Special Allocation in a newspaper of general circulation within PBC. Such notice
52 shall appear no later than ten days prior to a final decision by the BCC to grant or
53 deny the application. The costs of advertisement shall be borne by the Applicant
54
55
56

1 **c. The Approval Process**

2 The BCC shall approve the application for a special allocation provided that:

3
4 **1) No Bona Fide Claim Presented**

5 No substantial, competent evidence is presented by a third party that would
6 constitute prima facie evidence of a bona fide claim to any portion of the impact fee
7 credit assigned to the affected development.

8
9 **d. Application Fee Provided**

10 The BCC may establish a reasonable fee for processing of applications for special
11 allocations. Any such fee duly established by the BCC shall be paid at the time the
12 application for special allocation is submitted.

13
14 **e. Covenant**

15 The applicant shall execute a covenant supported by separate consideration from PBC.
16 This covenant shall provide that the applicant, its heirs assigns and successors in
17 interest shall indemnify hold harmless, and defend PBC against any and all claims for
18 credits not received by other owners or developers of undeveloped land within the
19 planned development. A joinder and consent of the mortgagee of the land benefited by
20 the special allocation, if any, supported by separate consideration shall also be executed
21 in recordable form acceptable to the County Attorney. The Impact Fee Coordinator shall,
22 at the sole expense of the applicant, record the instruments in the official records of the
23 Clerk of the Circuit Court in and for PBC.

24
25 **B. Appeal**

26 The decision of the Impact Fee Coordinator may be appealed pursuant to Art. 13.A.6.G, Appeal.

27
28 **C. Time to Claim Credit – Responsibility of Feepayer**

29 Any claim for credit as established in Art. 13.A.11, Credits, must be made by submitting
30 application for credit, or, if necessary, executing an escrow agreement with the County no later
31 than at the time of building permit issuance. Any claim not so made shall be deemed waived.

32
33 **Section 12 Covenants**

34 Where necessary to ensure compliance with the provisions of this article, the Impact Fee Coordinator
35 shall require that a covenant be executed by the feepayer holding the fee simple interest in the land, and
36 mortgagee as appropriate. The covenant shall recite this article and the facts and reasons underlying its
37 execution. It shall set forth restrictions on the land and the terms and conditions under which it may be
38 released.

39
40 **Section 13 Vesting**

41 Only the existence of a building permit that has not been rendered invalid and voidable shall vest a
42 feepayer against any changes in the amount of impact fees exacted. No vesting against changes in the
43 amount of impact fees shall result from the issuance of any development order, other than as set forth in
44 this subsection.

45
46 **Section 14 Action if Impact Fees are Unpaid**

47 **A. Negotiable Instrument is Invalid**

48 In the event impact fee funds which were paid by check, draft or other negotiable instrument do
49 not clear, the building permit or development order authorizing the development for which impact
50 fees were paid shall be suspended. The local government which issued the building permits or
51 development order shall send by certified mail notice to the applicant using a form provided by
52 the County. If the impact fees, together with any charges for the checks not clearing, are not paid
53 within 10 working days following mailing of the notice, the building permit or development order

shall be of no further force and effect for purposes of this Code and a stop work order shall be issued and not lifted until such time as the fair share fees are paid.

B. Lien

If through error, omission, or intent, impact fees are not paid in full, the amount unpaid, together with statutory interest accruing from 30 calendar days following the date written notice by certified mail, return receipt requested, is sent to the developer, permittee, or the then present property owner, shall be a lien against the land containing the development for which the impact fees are due. Notice of the lien shall be recorded in the official records of the Clerk of the Circuit Court for PBC. The lien shall have priority over all liens, mortgages and encumbrances, except taxes. No lien shall be recorded later than three years following the date on which the building permit is issued for the development against which impact fees are due, although the debt shall remain. If the lien remains unpaid for more than 30 calendar days following the recording of the notice, it may be foreclosed in the manner provided by state law for the foreclosure of mortgages on real property.

C. Withholding Development Orders

In the event that any impact fee is unpaid, no further development order shall be issued for the land for which the impact fees remain unpaid, and no development order shall be issued until any previously owed impact fees, together with day interest owing, along with any current impact fees, are paid.

D. Notification Construction Industry Licensing Board

In the event that any building permittee who is a contractor certified by the PBC Construction Licensing Board fails to pay an impact fee for which the permittee is responsible, the County Attorney shall file a verified written complaint with the PBC Construction Licensing Board recommending disciplinary action as is provided by the laws of Florida, Chapter 489, as amended. The verified complaint shall contain a summary of the fees owed and the efforts made by PBC to collect the impact fees.

CHAPTER B COUNTY DISTRICT, REGIONAL, AND BEACH PARKS IMPACT FEE

Section 1 Imposition of Fee

Impact fees are imposed upon all land uses creating an impact on County District, Regional, and Beach parks in accordance with Art. 13.A.4, Imposition of Fee, and this Section.

Section 2 Schedule of Lower Fees for Municipalities

Special provisions establishing a schedule of lower fees for municipalities providing like capital facilities are set forth in this Section pursuant to § 1.3(2) of the County Charter. For purposes of this Section, "like capital facilities" is broadly construed so as to include partial "credits" for municipal parks which are not district, regional or beach parks but which perform a similar function. Municipal schedules are based upon a sliding scale depending on the size and function of the municipal park facilities and the extent of access to beaches based upon the shoreline management plan standards.

Section 3 Fee Schedule

The fee schedule for County District, Regional and Beach parks is established beginning in Table 13.B.3.-2, Parks and Recreation Fee Schedule for Unincorporated PBC. To ensure that the impact fee does not exceed the cost to provide capital facilities to accommodate new development, the impact fees in the fee schedule are established at no more than 95 percent of the cost to accommodate the impact.

The schedules are as follows:

Table 13.B.3-1 - Municipal Park Credit Schedule

	District	Beach	Regional
Unincorporated	100 percent	100 percent	100 percent
Schedule A	100 percent	100 percent	100 percent
Schedule B	75 percent	100 percent	100 percent
Schedule C	50 percent	100 percent	100 percent
Schedule D	25 percent	100 percent	100 percent
Schedule E	0 percent	100 percent	100 percent
Schedule F	100 percent	75 percent	100 percent
Schedule G	75 percent	75 percent	100 percent
Schedule H	50 percent	75 percent	100 percent
Schedule I	25 percent	75 percent	100 percent
Schedule J	0 percent	75 percent	100 percent
Schedule K	100 percent	50 percent	100 percent
Schedule L	75 percent	50 percent	100 percent
Schedule M	50 percent	50 percent	100 percent
Schedule N	25 percent	50 percent	100 percent
Schedule O	0 percent	50 percent	100 percent
Schedule P	100 percent	25 percent	100 percent
Schedule Q	75 percent	25 percent	100 percent
Schedule R	50 percent	25 percent	100 percent
Schedule S	25 percent	25 percent	100 percent
Schedule T	0 percent	25 percent	100 percent
Schedule U	100 percent	0 percent	100 percent
Schedule V	75 percent	0 percent	100 percent
Schedule W	50 percent	0 percent	100 percent
Schedule X	25 percent	0 percent	100 percent
Schedule Y	0 percent	0 percent	100 percent

Where the percentage shown in each column represents the percentage of the total net cost of the park impact fee which must be paid for district, beach and regional parks.

Table 13.B.3-2 - Parks and Recreation Fee Schedule for Unincorporated PBC
Effective 03/01/2004

Land Use Type (Unit) Residential Units By Size	Persons Per Unit	Cost Per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Dwelling unit, 800 sq. ft. and under	1.963	\$1,220.38	\$269.13	\$951.25	\$47.56	\$903.69
Dwelling unit, 801 – 1,399 sq. ft.	2.308	1,434.39	316.33	1,118.06	55.90	1,062.18
Dwelling unit, 1,400 – 1,999 sq. ft.	2.712	1,685.98	371.81	1,314.17	65.71	1,248.46
Dwelling unit, 2,000 – 3,599 sq. ft.	3.153	1,959.86	432.21	1,527.65	76.38	1,451.27
Dwelling unit, 3,600 sq. ft. and over	3.494	2,171.97	478.98	1,692.99	84.65	1,608.34
Hotel/Motel Per Room	0.875	543.90	119.95	423.95	21.19	402.75

Table 13.B.3-3 - Parks and Recreation Impact Fee Schedule for Schedule "A" Municipalities*
Effective 03/01/2004

Land Use Type (Unit) Residential Units By Size	Persons Per Unit	Cost Per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Dwelling Unit, 800 sq. ft. and under	1.963	\$1,220.38	\$269.13	\$951.25	\$47.56	\$903.69
Dwelling Unit, 801 – 1,399 sq. ft.	2.308	1,434.39	316.33	1,118.06	55.90	1,062.18
Dwelling Unit, 1,400 – 1,999 sq. ft.	2.712	1,685.98	371.81	1,314.17	65.71	1,248.46
Dwelling Unit, 2,000 – 3,599 sq. ft.	3.153	1,959.86	432.21	1,527.65	76.38	1,451.27
Dwelling Unit, 3,600 sq. ft. and over	3.494	2,171.97	478.98	1,692.99	84.65	1,608.34
Hotel/Motel Per Room	0.875	543.90	119.95	423.95	21.19	402.75

*Schedule "A" municipalities consist of Atlantis, Cloud Lake, Glen Ridge, Village of Golf, Haverhill, Hypoluxo, Lake Clark Shores, and Mangonia Park.

Table 13.B.3-4 - Parks and Recreation Impact Fee Schedule for Schedule "B" Municipalities*
Effective 03/01/2004

Land Use Type (Unit) Residential Units By Size	Persons Per Unit	Cost Per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Dwelling unit, 800 sq. ft. and under	1,963	\$1,137.86	\$260.80	\$877.06	\$43.85	\$833.21
Dwelling unit, 801 – 1,399 sq. ft.	2,308	1,337.40	305.53	1030.87	51.54	979.33
Dwelling unit, 1,400 – 1,999 sq. ft.	2,712	1,571.98	360.30	1,211.68	60.58	1,151.10
Dwelling unit, 2,000 – 3,599 sq. ft.	3,153	1,827.35	418.83	1,408.52	70.43	1,338.09
Dwelling unit 3,6000 sq. ft. and over	3,494	2,025.11	464.15	1,560.96	78.04	1,482.91
Hotel/Motel Per Room	0.875	507.12	116.23	390.89	19.54	390.89

*Schedule "B" municipalities consist of Greenacres, Lake Park, and Palm Springs.

Table 13.B.3-5 - Parks and Recreation Impact Fee Schedule for Schedule "E" Municipalities*
Effective Date 03/01/2004

Land Use Type (Unit) Residential Units By Size	Persons Per Unit	Cost Per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Dwelling unit, 800 sq. ft. and under	1.963	\$890.33	\$235.80	\$654.53	\$32.73	\$621.80
Dwelling unit, 801 – 1,399 sq. ft.	2.308	1,046.46	277.15	769.31	38.47	730.84
Dwelling unit, 1,400 – 1,999 sq. ft.	2.712	1,230.01	325.76	904.25	45.21	859.03
Dwelling unit, 2,000 – 3,599 sq. ft.	3.153	1,429.82	378.67	1,051.15	52.55	998.59
Dwelling unit 3,6000 sq. ft. and over	3.494	1,584.56	419.66	1,164.90	58.25	1,106.66
Hotel/Motel Per Room	0.875	396.80	105.09	291.71	14.59	291.71

*Schedule "E" municipalities consist of Wellington

Table 13.B.3-6 - Parks and Recreation Impact Fee for Schedule "F" Municipalities*
Effective 03/01/2004

Land Use Type (Unit) Residential Units By Size	Persons Per Unit	Cost Per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Dwelling unit, 800 sq. ft. and under	1.963	\$1,138.25	\$260.84	\$ 877.41	\$40.65	\$833.54
Dwelling unit, 801 – 1,399 sq. ft.	2.308	1,337.86	306.58	1,031.28	47.78	979.72
Dwelling unit, 1,400 – 1,999 sq. ft.	2.712	1,572.52	360.35	1,212.17	56.16	1,151.56
Dwelling unit, 2,000 – 3,599 sq. ft.	3.153	1,827.98	418.89	1,409.09	65.28	1,338.64
Dwelling unit 3,6000 sq. ft. and over	3.494	2,025.80	464.22	1,561.58	72.35	1,483.50
Hotel/Motel Per Room	0.875	507.30	116.25	391.05	18.56	371.50

*Schedule "F" municipalities consist of Gulfstream, Highland Beach, Manalapan, and South Palm Beach.

Table 13.B.3-7 - Parks and Recreation Impact Fee Schedule for Schedule "I" Municipality*
Effective 03/01/2004

Land Use Type (Unit) Residential Units By Size	Persons Per Unit	Cost Per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Dwelling unit, 800 sq. ft. and under	1.963	\$890.72	\$235.83	\$654.89	\$32.74	\$622.15
Dwelling unit, 801 – 1,399 sq. ft.	2.308	1,046.92	277.19	769.73	38.49	731.24
Dwelling unit, 1,400 – 1,999 sq. ft.	2.712	1,230.55	325.81	904.74	45.24	859.50
Dwelling unit, 2,000 – 3,599 sq. ft.	3.153	1,430.45	378.74	1,051.71	52.59	999.12
Dwelling unit 3,6000 sq. ft. and over	3.494	1,585.26	419.73	1,165.53	58.28	1,107.25
Hotel/Motel Per Room	0.875	396.98	105.11	291.87	14.58	277.28

*Schedule "I" municipality consists of Tequesta

Table 13.B.3-8 - Parks and Recreation Impact Fee Schedule for Schedule "J" Municipality*
Effective 03/01/2004

Land Use Type (Unit) Residential Units By Size	Persons Per Unit	Cost Per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Dwelling unit, 800 sq. ft. and under	1.963	\$808.21	\$227.50	\$580.71	\$29.04	\$551.67
Dwelling unit, 801 – 1,399 sq. ft.	2.308	949.94	267.40	682.54	34.13	648.41
Dwelling unit, 1,400 – 1,999 sq. ft.	2.712	1,116.55	314.20	802.25	40.11	762.13
Dwelling unit, 2,000 – 3,599 sq. ft.	3.153	1,297.94	365.35	932.59	46.63	885.96
Dwelling unit 3,6000 sq. ft. and over	3.494	1,438.40	404.89	1,033.51	51.68	981.83
Hotel/Motel Per Room	0.875	360.20	101.39	258.81	12.94	245.87

*Schedule "J" municipality consists of North Palm Beach.

Table 13.B.3-9 - Parks and Recreation Impact Fee Schedule for Schedule "K" Municipality*
Effective 03/01/2004

Land Use Type (Unit) Residential Units By Size	Persons Per Unit	Cost Per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Dwelling unit, 800 sq. ft. and under	1.963	\$1,056.13	\$252.54	\$803.59	\$40.18	\$763.41
Dwelling unit, 801 – 1,399 sq. ft.	2.308	1,241.34	296.83	944.51	47.23	897.28
Dwelling unit, 1,400 – 1,999 sq. ft.	2.712	1,459.07	348.89	1,110.18	55.51	1,054.67
Dwelling unit, 2,000 – 3,599 sq. ft.	3.153	1,696.09	405.57	1,290.52	64.53	1,225.99
Dwelling unit 3,6000 sq. ft. and over	3.494	1,879.64	449.46	1,430.18	67.93	1,358.67
Hotel/Motel Per Room	0.875	470.70	112.55	358.15	17.90	340.24

*Schedule "K" municipality consists of Ocean Ridge.

Table 13.B.3-10 - Parks and Recreation Impact Fee Schedule for Schedule "P" Municipalities*
Effective 03/01/2004

Land Use Type (Unit) Residential Units By Size	Persons Per Unit	Cost Per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Dwelling unit, 800 sq. ft. and under	1.963	\$973.98	\$244.24	\$729.74	\$36.49	\$693.25
Dwelling unit, 801 – 1,399 sq. ft.	2.308	1,144.79	287.08	857.71	42.89	814.82
Dwelling unit, 1,400 – 1,999 sq. ft.	2.712	1,345.58	337.43	1,008.15	50.41	957.74
Dwelling unit, 2,000 – 3,599 sq. ft.	3.153	1,564.17	392.24	1,171.93	58.60	1,113.33
Dwelling unit 3,6000 sq. ft. and over	3.494	1,733.45	434.69	1,298.76	64.94	1,233.82
Hotel/Motel Per Room	0.875	434.09	108.86	325.23	16.26	308.96

*Schedule "P" municipalities consist of Briny Breezes, Juno Beach, Jupiter Inlet Colony, and Palm Beach Shores.

Table 13.B.3-11 - Parks and Recreation Impact Fee Schedule for Schedule "U" Municipality*
Effective 03/01/2004

Land Use Type (Unit) Residential Units By Size	Persons Per Unit	Cost Per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Dwelling unit, 800 sq. ft. and under	1.963	\$891.86	235.95	\$655.91	\$32.80	\$623.11
Dwelling unit, 801 – 1,399 sq. ft.	2.308	1,048.26	277.33	770.93	38.55	732.38
Dwelling unit, 1,400 – 1,999 sq. ft.	2.712	1,232.13	325.97	906.16	43.04	860.85
Dwelling unit 2,000 – 3,599 sq. ft.	3.153	1,432.28	378.92	1,053.36	52.67	1000.69
Dwelling unit, 3,600 sq. ft. and over	3.494	1,587.29	419.93	1,167.36	58.37	1,108.99
Hotel/Motel Per Room	0.875	397.49	105.16	292.33	14.62	277.71

*Schedule "U" municipality is Lantana.

Table 13.B.3-12 - Parks and Recreation Impact Fee Schedule for Schedule "X" Municipality*
Effective 03/01/2004

Land Use Type (Unit) Residential Units By Size	Persons Per Unit	Cost Per Unit	Credits	Park Impact Fee	Discount	Net Park Impact Fee
Dwelling unit, 800 sq. ft. and under	1.963	\$644.33	\$210.95	\$433.38	\$21.67	\$411.71
Dwelling unit, 801 - 1,399 sq. ft.	2.308	757.32	247.94	509.38	25.47	483.91
Dwelling unit, 1,400 - 1,999 sq. ft.	2.712	890.16	291.43	598.73	29.94	568.79
Dwelling unit, 2,000 - 3,599 sq. ft.	3.153	1,034.76	338.77	695.99	34.80	661.19
Dwelling unit, 3,600 sq. ft. and over	3.494	1,146.75	375.44	771.31	38.57	732.74
Hotel/Motel Per Room	0.875	287.17	94.02	193.15	9.65	183.49

*Schedule "X" municipality is Palm Beach.

Table 13.B.3-13 - Parks and Recreation Impact Fee Schedule for Schedule "Y" Municipalities*
Effective 03/01/2004

Land Use Type (Unit) Residential Units By Size	Persons Per Unit	Cost Per Unit	Credit	Park Impact Fee	Discount	Net Park Impact Fee
Dwelling unit, 800 sq. ft. and under	1.963	\$561.81	\$202.61	\$359.20	\$17.96	\$341.24
Dwelling unit, 801 - 1,399 sq. ft.	2.308	660.34	238.15	422.19	21.11	401.08
Dwelling unit, 1,400 - 1,999 sq. ft.	2.712	776.16	279.92	496.24	24.81	471.43
Dwelling unit, 2,000 - 3,599 sq. ft.	3.153	902.24	325.39	576.85	28.84	548.00
Dwelling unit, 3,600 sq. ft. and over	3.494	999.89	360.60	639.25	31.96	607.32
Hotel/Motel Per Room	0.875	250.39	90.30	160.09	8.00	152.09

*Schedule "Y" municipalities consist of Riviera Beach, Boca Raton, Boynton Beach, Delray Beach Lake Worth, and Jupiter.

A. Benefit Zones

1. Establishment of Benefit Zones

Four park impact fee benefit zones are hereby established as follows:

a. Benefit Zone 1 (North)

Beginning at the water's edge of the Atlantic Ocean and the northern boundary of PBC as described in F.S. § 7.50, "County Boundary"; thence

- 1) Westerly along said north boundary to the west line of Range 39 East; thence
- 2) Southerly along said west line to the SFWM District Levee 8 Canal; thence
- 3) Southeasterly along said Levee 8 Canal to the south line of Township 42 South; thence
- 4) Easterly along said south line to the west line of Range 42 East; thence
- 5) Northerly along said west line to SR-710 (Beeline Highway); thence
- 6) Southeasterly along said SR-710 to Port Road (8th Street); thence
- 7) Easterly along said Port Road and its easterly extension to the Intracoastal Waterway; thence
- 8) Northerly along the Intracoastal Waterway to the Lake Worth inlet and east to the Atlantic Ocean; thence
- 9) Northerly along the water's edge of the Atlantic Ocean to the point of beginning.

b. Benefit Zone 2 (Central)

Beginning at the water's edge of the Atlantic Ocean and SR-804 (Boynton Beach Blvd.) extended; thence

- 1) Westerly along SR-804 and its extension to the SFWM Levee 7 Canal; thence
- 2) Northerly along said Levee 7 Canal to the centerline of Old State Road 80; thence
- 3) Westerly along said centerline of State Road 80 to the intersection of the centerline of U.S. Highway 98; thence
- 4) Northwesterly along said centerline of U.S. Highway 98 to the west line of Range 40 East; thence
- 5) North along the west line of Range 40 East to the south line of Township 42 South; thence
- 6) Easterly along said south line to the west line of Range 42 East; thence
- 7) Northerly along said west line to SR-710 (Beeline Highway); thence
- 8) Southeasterly along said SR-710 (Beeline Highway) to Port Road (8th Street); thence
- 9) Easterly along said Port Road and its easterly extension to the Intracoastal Waterway; thence
- 10) Northerly along the Intracoastal Waterway to the Lake Worth Inlet and east to the Atlantic Ocean; thence
- 11) Southerly along the water's edge of the Atlantic Ocean to the point of beginning.

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c. Benefit Zone 3 (South)

Beginning at the waters edge of the Atlantic Ocean and SR-804 (Boynton Beach Boulevard) extended; thence

- 1) Westerly along SR-804 and its extension to the SFWM District Levee 7 Canal; thence
- 2) Southerly and southeasterly along said Levee 7 Canal, Levee 39 Canal and Levee 36 Canal to the south boundary line of PBC as described in Fla. Stat. Sec. 7.50, "County Boundary;" thence
- 3) Easterly along said boundary line to the water's edge of the Atlantic Ocean; thence
- 4) Northerly along said water's edge to the point of beginning.

d. Benefit Zone 4 (Glades)

Zone 4 is bounded on the north by the Martin County line; on the East by the Western boundaries of Zones 1, 2, and 3; on the South by the Broward County line; and on the West by the Hendry County line.

2. Identification of Benefit Zones

The park benefit zones are shown in Figure 13.B.3.C-1, Park Benefit Zones. No park impact fee is exacted in Benefit Zones 4 because (1) development in that benefit zones is overwhelmingly isolated from eastern PBC; (2) no new capital facilities for parks are required during the planning horizon upon which the park impact fee in Benefit Zone 4 is based, except for district park capital facilities; and (3) credits to development in Benefit Zone 4 for other assessments funding park capital facilities equal or exceed the impact fee associated with district parks in Benefit Zone 4.

B. Establishment of Trust Funds

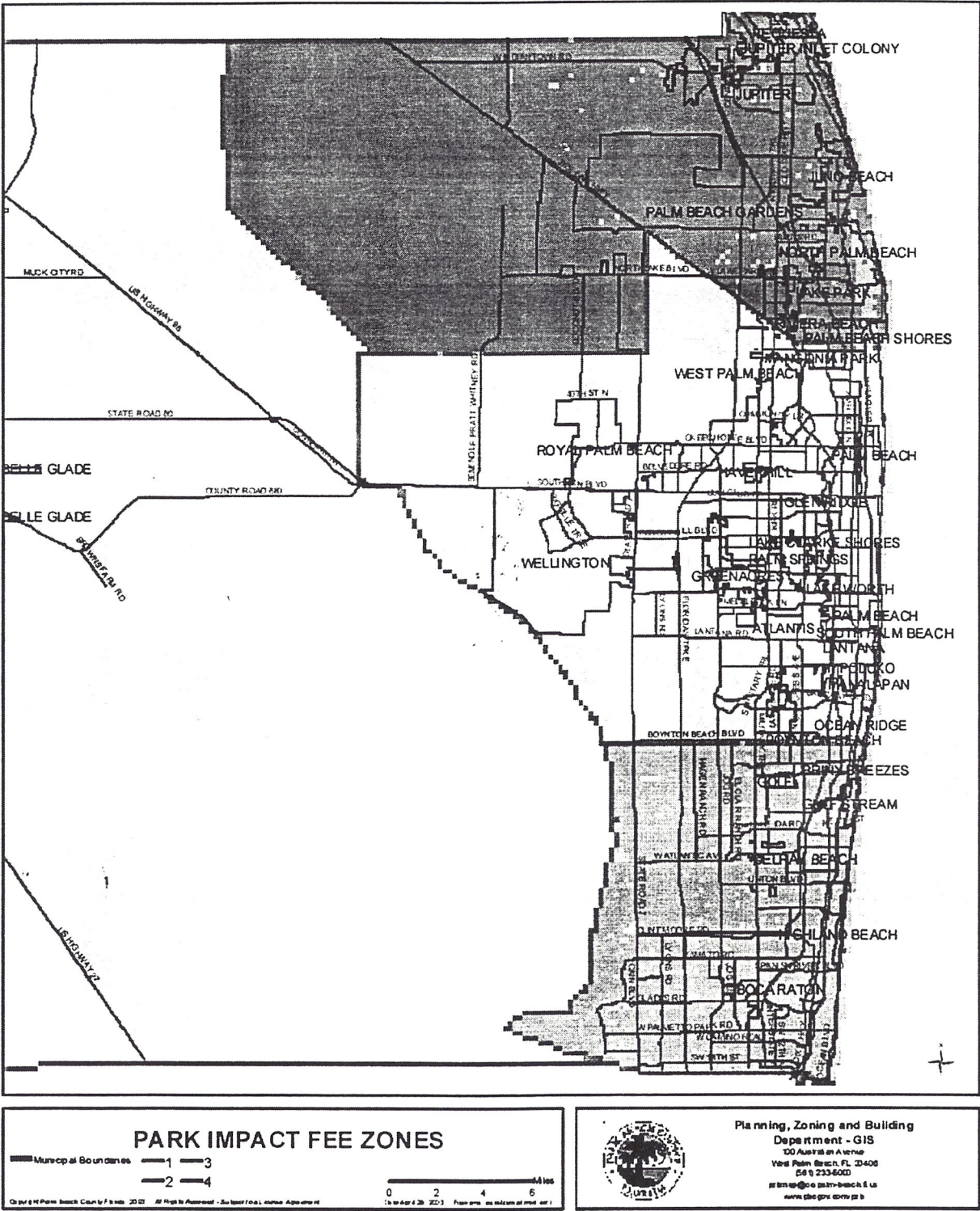
There are hereby established separate park impact fee trust funds, one for each park impact fee benefit zones.

C. Use of Park Impact Fees

Impact fees paid pursuant to this Section shall be encumbered and spent only in conformance with Art. 13.A.9, Use of Impact Fees.

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Figure 13.B.1.C-1 - Park Benefit Zones



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CHAPTER C FIRE-RESCUE IMPACT FEE

Section 1 Imposition of Impact Fee

Impact fees are imposed upon all land uses creating an impact on fire-rescue services in accordance with Art. 13.A.4, Imposition of Impact Fee, and this Section.

Section 2 Fee Schedule

The impact fee schedule for fire-rescue services is established in Table 13.C.2-14, Impact Fee Schedule. Land uses in the fee schedule shall be defined in F.S. § 195.073, and Rule 12D-8 F.A.C. To ensure that the impact fee does not exceed the cost to provide capital facilities to accommodate new development, the impact fees in the fee schedule are established at no more than 95 percent of the cost to accommodate the impact.

Table 13.C.2-14 - Impact Fee Schedule
Effective Date 03/01/2004

Land Use Type (Unit)	Calls For	Cost		Fire-Rescue		Net Fire-
Residential Units, by Type	Service	Per Unit	Credits	Impact Fee	Adjustment	Rescue Impact Fee
Single Family Detached	0.3870	\$508.95	\$0.00	\$508.95	\$25.44	\$483.51
Single Family Attached	0.3870	508.95	0.00	508.95	25.44	483.51
Multi-Family	0.1918	252.18	0.00	252.18	12.61	239.57
Mobile Home	0.1918	252.18	0.00	252.18	12.61	239.57
Hotel/Motel Per Room	0.6449	848.01	0.00	848.01	42.40	805.61
Non-Residential						
Office 100,000 sq. ft. & Under	0.1482	\$194.83	\$0.00	\$194.83	\$9.74	\$185.09
100,001 - 125,000 sq. ft.	0.1482	194.83	0.00	194.83	9.74	185.09
125,001 - 150,000	0.1482	194.83	0.00	194.83	9.74	185.09
150,001 - 175,000	0.1482	194.83	0.00	194.83	9.74	185.09
175,001 - 199,999	0.1482	194.83	0.00	194.83	9.74	185.09
Medical Office	0.1482	194.83	0.00	194.83	9.74	185.09
Warehouse Per 1,000 sq. ft	0.0367	48.23	0.00	48.23	2.41	45.82
Gen. Industrial Per 1,000 Ft	0.111	145.96	0.00	145.96	7.30	138.66
Retail Per 1,000 Sq. Ft.						
Retail Per 1,000 Sq. Ft.	0.1802	\$236.98	\$0.00	\$236.98	\$11.85	\$225.13
80,000 sq. ft. & Under	0.1802	236.98	0.00	236.98	11.85	225.13
80,001 - 99,999	0.1802	236.98	0.00	236.98	11.85	225.13
100,000 - 199,999	0.1802	236.98	0.00	236.98	11.85	225.13
200,000 - 499,999	0.1802	236.98	0.00	236.98	11.85	225.13
500,000 - 999,999	0.1802	236.98	0.00	236.98	11.85	225.13
1,000,000 & Over	0.1802	236.98	0.00	236.98	11.85	225.13

Section 3 Benefit Zones

A. Establishment of Benefit Zones

There are hereby established two fire rescue impact fee benefit zones identified in Figure 13.C.5-2, Fire Rescue Benefit Zones, and set forth as follows:

1. Benefit Zone 1

The boundaries of Benefit Zone 1 correspond to the PBC Fire-Rescue Municipal service Taxing Unit, and those municipalities contracting with PBC for the provision of the fire-rescue services (municipalities include: Cloud Lake, Glen Ridge, Golfview, Haverhill, Juno Beach, Jupiter, and Lake Clarke Shores and excluding those portions of the County in Benefit Zone 2.

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The boundaries of Benefit Zone 2 shall be PBCs northern, western and southern borders on the North, West, and South, respectively; and the western border of Range 40 E and the SFWM District Levee 40 on the East. No fire rescue impact fees shall be collected at this time in Benefit Zone 2 because there is no identified need for additional fire rescue capital facilities due to new development during the planning horizon on which this impact fee is based.

Section 4 Establishment of Trust funds

There is hereby established a separate impact fee trust funds for the impact fee benefit zones described in Art. 13.C.3.A, Establishment of Benefit Zones.

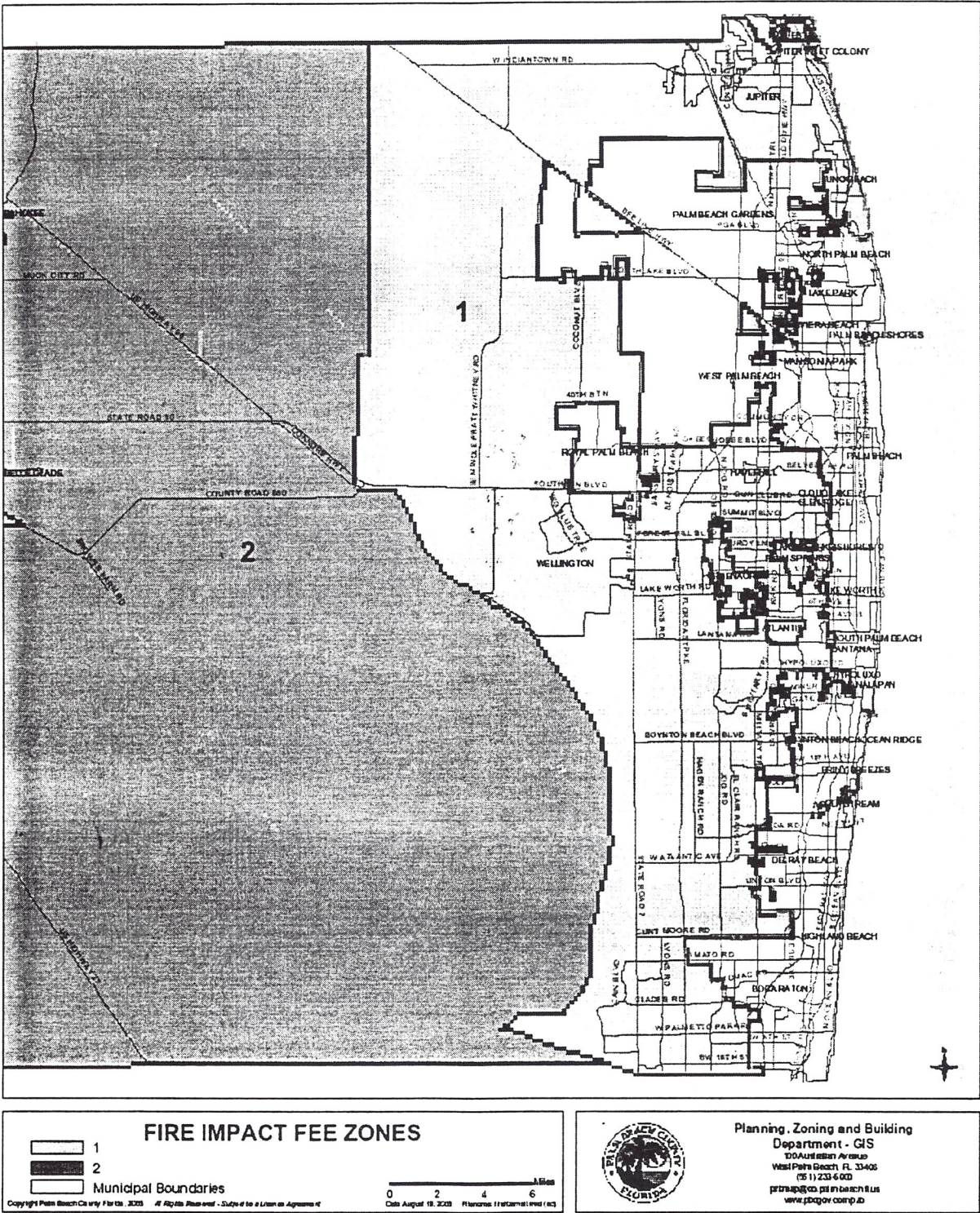
Section 5 Use of Fire-Rescue Impact Fees

Impact fees paid pursuant to this Section shall be encumbered and spent only in conformance with Art. 13.A.9, Use of Impact Fees.

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Figure 13.C.5-2 - Fire Rescue Benefit Zones



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CHAPTER D LIBRARY IMPACT FEE

Section 1 Imposition of Fee

Impact fees are imposed upon all land uses creating an impact on library services in accordance with Art. 13.A.4, Imposition of Fee, and this Section.

Section 2 Fee Schedule

The fee schedule for library services is established in Table 13.D.2-15, Library Fee Schedule. To ensure that the impact fee does not exceed the cost to provide capital facilities to accommodate new development, the impact fees in the fee schedule are established at no more than 95 percent of the cost to accommodate the impact.

**Table 13.D.2-15 - Library Fee Schedule
Effective 03/01/2004**

Land Use Type (Unit)	Functional	Cost		Library		Net
Residential Units by sq. ft	Population	Per Unit	Credits	Impact Fee	Discount	Library Impact Fee
Dwelling units:						
800 sq. ft. and Under	1.963	\$ 173.71	\$ 10.04	\$ 163.67	\$ 8.18	\$ 155.49
801 - 1,399	2.308	204.17	11.80	192.37	9.62	182.75
1,400 - 1,999	2.712	239.99	13.87	226.12	11.31	214.81
2,000 - 3,599	3.153	278.97	16.12	262.85	13.14	249.71
3,600 and Over	3.494	309.16	17.87	291.29	14.56	276.73

Section 3 Benefit Zones

A. Establishment of Benefit Zones

There are hereby established two library impact fee benefit zones identified in Figure 13.D.5-3, Library Benefit Zones, and set forth as follows:

1. Benefit Zone 1

The boundaries of Benefit Zone 1 consists of unincorporated PBC and those municipalities that are part of the Library Taxing District (municipalities include: Atlantis, Briny Breezes, Cloud Lake, Glen Ridge, Golfview, Greenacres City, Haverhill, Hypoluxo, Juno Beach, Jupiter, Jupiter Inlet Colony, Lake Clarke Shores, Mangonia Park, Ocean Ridge, Palm Beach Gardens, Palm Beach Shores, Royal Palm Beach, South Palm Beach, Tequesta and Village of Golf) excluding that porting of the County in Benefit Zone 2.

2. Benefit Zone 2

The boundaries of Benefit Zone 2 shall be Paces northern, western and southern borders on the North, West, and South, respectively; and the western border of Range 40 E and SFWM District Levee 40 on the East. No library impact fees shall be collected at this time in Benefit Zone 2 because there is no identified need for additional library capital facilities due to new development during the planning horizon on which this impact fee is based.

Section 4 Establishment of Trust Funds

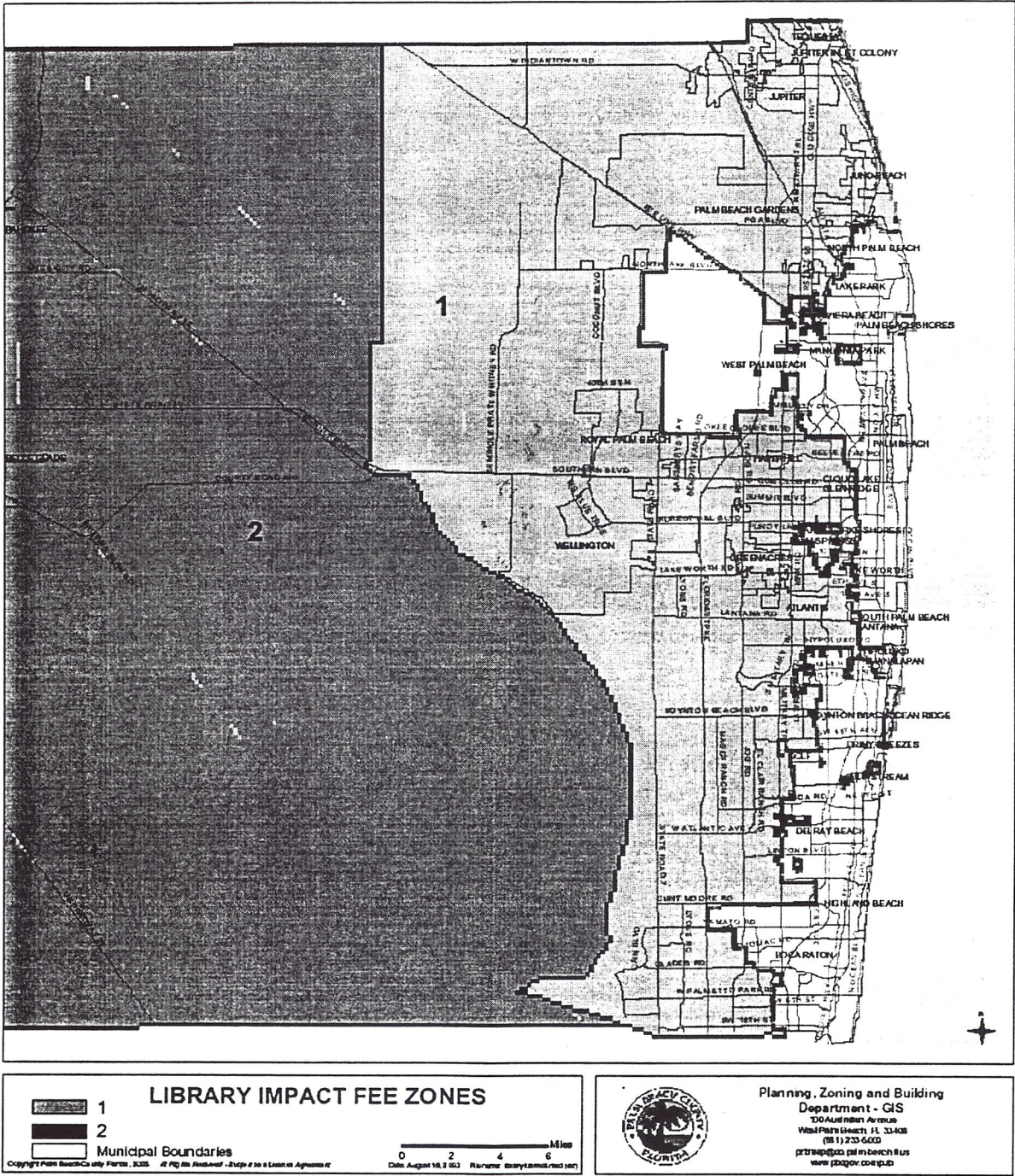
There is hereby established a library impact fee trust funds for the benefit zones described in Art. 13.D.3, Benefit Zones.

Section 5 Use of Library Impact Fees

Impact fees paid pursuant to this Section shall be encumbered and spent only in conformance with Art. 13.A.9, Use of Impact Fees.

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Figure 13.D.5-3 - Library Benefit Zones



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2 **CHAPTER E LAW ENFORCEMENT IMPACT FEE**

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4 **Section 1 Imposition of Fee**

5 Impact fees are imposed upon all land uses creating an impact on law enforcement services in
6 accordance with Art. 13.A.4, Imposition of Fee, and this Section.

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8 **Section 2 Fee Schedule**

9 The fee schedules for law enforcement services are established in Tables 13.E.2-16, Law Enforcement
10 Fee Schedule for Countywide Services Benefit Zone 1, and Art. 13.E.2-17, Law Enforcement Patrol Fee
11 Schedule for Unincorporated PBC Benefit Zone 2. Land uses in the fee schedule shall be as defined in
12 F.S. § 195.073, and Rule 12D-8, F.A.C. To ensure that the impact fee does not exceed the cost to
13 provide capital facilities to accommodate new development, the impact fees in the fee schedule are
14 established at no more than 95 percent of the cost to accommodate the impact.
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Table 13.E.2-16 – Law Enforcement Fee Schedule for Countywide Services Benefit Zone 1
Effective 10/01/1997

Land Use Type (Unit) Residential units by sq. ft.	Service Calls	Cost Per Unit	Credits	Enforcement Impact Fee	Discount	Enforcement Impact Fee
Dwelling units, 800 sq. ft. and Under	0.9580	\$2.09	\$5.12	\$0.00	\$0.00	\$0.00
Dwelling unit, 801 - 1,399 sq. ft.	1.1260	2.46	6.02	0.00	0.00	0.00
Dwelling unit, 1,400 – 1,999 sq. ft.	1.3240	2.89	7.08	0.00	0.00	0.00
Dwelling unit, 2,000 – 3,599 sq. ft.	1.5390	3.36	8.23	0.00	0.00	0.00
Dwelling unit, 3,600 sq. ft. and Over	1.7050	3.73	9.12	0.00	0.00	0.00
Hotel/Motel	0.3500	0.76	1.87	0.00	0.00	0.00
Non-Residential per 1,000 sq. ft.						
Office:						
100,000 sq. ft. & Under	1.1690	\$2.55	\$6.25	\$0.00	\$0.00	\$0.00
100,001 - 125,000	1.1020	2.41	5.90	0.00	0.00	0.00
125,001 - 150,000	0.9230	2.02	4.94	0.00	0.00	0.00
150,001 - 175,000	0.9040	1.98	4.84	0.00	0.00	0.00
175,001 - 199,999	0.9040	1.98	4.84	0.00	0.00	0.00
200,000 & Over	0.8770	1.92	4.69	0.00	0.00	0.00
Medical Office	1.6520	3.61	8.84	0.00	0.00	0.00
Warehouse Per 1,000 Ft	0.2610	0.57	1.40	0.00	0.00	0.00
Gen. Industrial Per 1,000 Ft.	0.5020	1.10	2.69	0.00	0.00	0.00
Retail Per 1,000 sq. ft.						
80,000 sq. ft. & Under	1.9750	\$4.31	\$10.57	\$0.00	\$0.00	\$0.00
80,001 - 99,999	2.1070	4.60	11.27	0.00	0.00	0.00
100,000 - 199,999	2.1900	4.78	11.72	0.00	0.00	0.00
200,000 - 499,999	2.1890	4.78	11.71	0.00	0.00	0.00
500,000 - 999,999	2.2460	4.91	12.01	0.00	0.00	0.00
1,000,000 & Over	2.3000	5.07	12.30	0.00	0.00	0.00

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Table 13.E.2-17 – Law Enforcement Patrol Fee Schedule for Unin.
PBC Benefit Zone 2
Effective 03/01/2004

Land Use Type (Unit) Residential units by sq. ft.	Service Calls	Cost Per Unit	Credits	Law Enforcement Impact Fee	Discount	Net Law Enforcement Impact Fee
Single Family, Detached	2.216	\$144.67	\$5.93	\$138.74	\$6.94	\$131.80
Single Family, Attached	2.216	144.67	5.93	138.74	6.94	131.80
Multi-Family	0.748	48.79	2.00	46.79	2.34	44.45
Mobile Home	0.748	48.79	2.00	46.79	2.34	44.45
Hotel/Motel	0.901	58.78	2.41	56.37	2.82	53.55
Non-Residential per 1,000 sq. ft.						
Office:						
100,000 & Under	0.832	\$54.28	\$2.23	\$52.05	\$2.60	\$49.45
100,001 - 125,000	0.832	54.28	2.23	52.05	2.60	49.45
125,001 - 150,000	0.832	54.28	2.23	52.05	2.60	49.45
150,001 - 175,000	0.832	54.28	2.23	52.05	2.60	49.45
175,001 - 199,999	0.832	54.28	2.23	52.05	2.60	49.45
200,000 & Over	0.832	54.28	2.23	52.05	2.60	49.45
Medical Office	0.832	54.28	2.23	52.05	2.60	49.45
Warehouse Per 1,000 Ft.	0.157	10.25	0.42	9.83	0.49	9.34
Gen. Industrial Per 1,000 Ft.	0.076	4.94	0.20	4.74	0.24	4.50
Retail Per 1,000 Ft.						
80,000 & Under	0.951	\$62.05	\$2.54	\$59.51	\$2.98	\$56.53
80,001 - 99,999	0.951	62.05	2.54	59.51	2.98	56.53
100,000 - 199,999	0.951	62.05	2.54	59.51	2.98	56.53
200,000 - 499,999	0.951	62.05	2.54	59.51	2.98	56.53
500,000 - 999,999	0.951	62.05	2.54	59.51	2.98	56.53
1,000,000 & Over	0.951	62.05	2.54	59.51	2.98	56.53
	0.951	62.05	2.54	59.51	2.98	56.53

Includes Cloud Lake, Haverhill, Glen Ridge, and Village of Golf.

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Section 3 Benefit Zones

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A. Establishment of Benefit Zones

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1. Area and Services in Benefit Zone 1

Benefit Zone 1 shall consist of the entire PBC, including both the unincorporated area and all municipalities. Countywide functions for which impact fees are charged in this benefit zone include the crime laboratory, warrants divisions, marine enforcement, K-9 unit, and organized crime bureau. No credits for municipal law enforcement activities are applied for these services.

2. Area and Services in Benefit Zone 2

Benefit Zone 2 shall include the unincorporated portions of PBC and those municipalities which do not provide road patrol services, including Cloud Lake, Golfview, Haverhill, Glen Ridge, and Village of Golf and excluding those portions of the County in Benefit Zone 3. Impact fees paid in these areas support law enforcement functions otherwise met by municipal law enforcement services, though all law enforcement functions of the Sheriff are Countywide. The use of this district allows credit for municipal law enforcement services.

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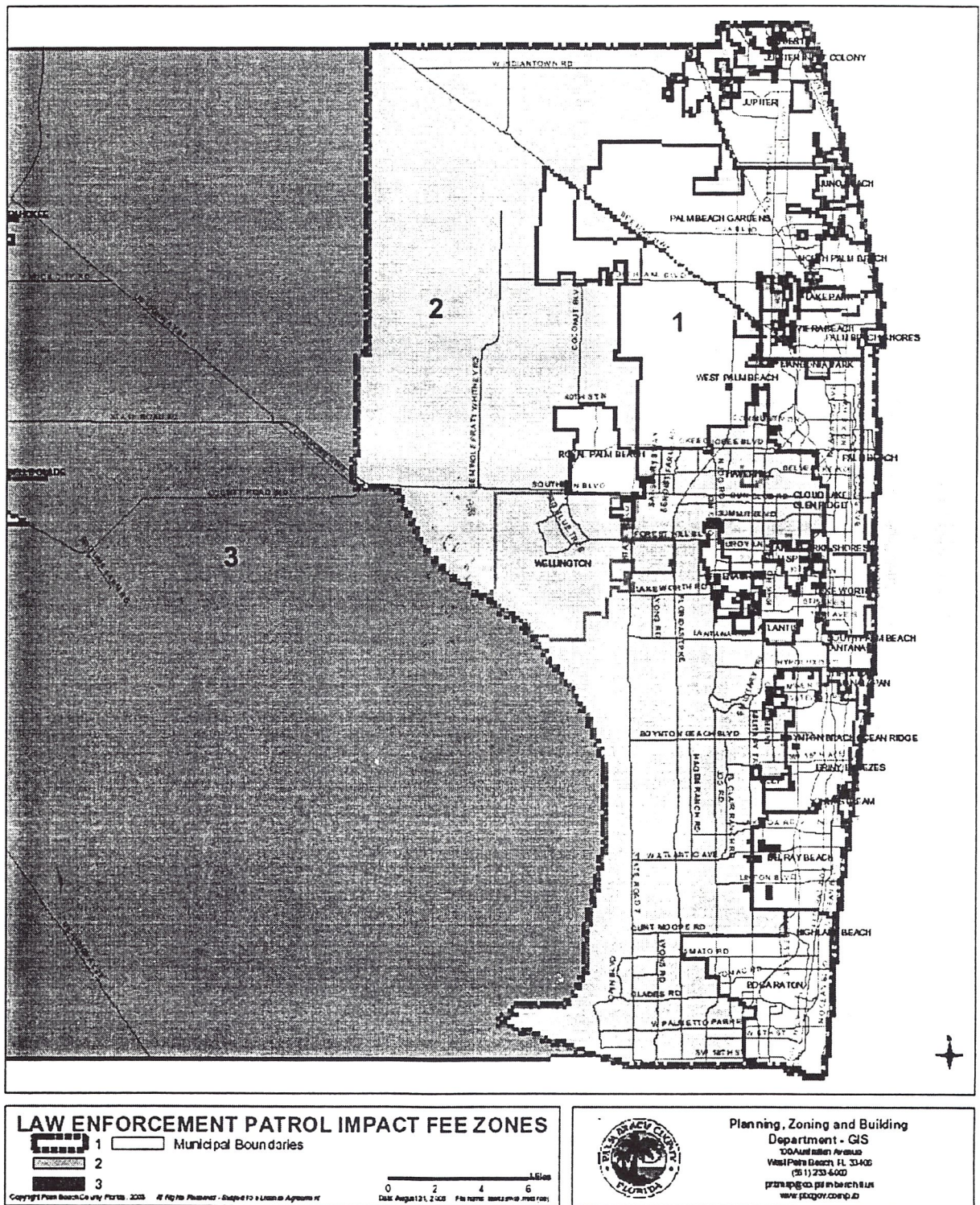
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Figure 13.E.5-4 - Law Enforcement Benefit Zones



CHAPTER F PUBLIC BUILDINGS IMPACT FEE

Section 1 Imposition of Fee

Impact fees are imposed upon all land uses creating an impact on public buildings in accordance with Art. 13.A.4, Imposition of Fee, and this Section.

Section 2 Fee Schedule

The fee schedule for public buildings is established in Table 13.F.2-18, Public Buildings Fee Schedule. Land uses in the fee schedule shall be as defined in F.S. § 195.073, and Rule 12D-8, F.A.C. To ensure that the impact fee does not exceed the cost to provide capital facilities to accommodate new development, the impact fees in the fee schedule are established at no more than 95 percent of the cost to accommodate the impact.

**Table 13.F.2-18 – Public Buildings Fee Schedule
Effective 03/01/2004**

Land Use Type (Unit) Residential units by Sq. Ft.	Functional Population	Cost Per Unit	Credits	Public Buildings Impact Fee	5 percent Discount	Net Public Buildings Impact Fee
Dwelling unit, 800 sq. ft. and Under	0.9820	\$531.08	\$440.00	\$91.08	\$4.55	\$86.53
Dwelling unit, 801 - 1,399 sq. ft.	1.1540	624.02	517.00	107.02	5.35	101.67
Dwelling unit, 1,400 - 1,999 sq. ft.	1.3560	732.76	607.00	125.76	6.29	119.47
Dwelling unit, 2,000 - 3,599 sq. ft.	1.5760	851.16	705.00	146.16	7.31	138.85
Dwelling unit, 3,600 sq. ft. & Over	1.7470	944.03	782.00	162.03	8.10	153.93
Hotel/Motel Per Room	0.3500	189.46	157.00	32.46	1.62	30.84
Non-Residential per 1,000 Sq. Ft.						
Office						
50,000 & Under	0.801	\$433.29	\$359.00	\$74.29	\$3.71	\$70.58
50,001 - 99,999	0.878	474.42	393.00	81.42	4.07	77.35
100,000 - 149,999	1.095	591.56	490.00	101.56	5.08	96.48
150,000 - 199,999	1.067	576.96	478.00	98.96	4.95	94.01
200,000 - 399,999	1.053	568.66	471.00	97.66	4.88	92.78
400,000 - 499,999	1.044	563.83	467.00	96.83	4.84	91.99
Medical Office	1.702	919.85	762.00	157.85	7.89	149.96
Warehouse Per 1,000 sq. ft.	0.218	118.22	98.00	20.22	1.01	19.21
Gen. Industrial Per 1,000 sq. ft.	0.450	242.74	201.00	41.74	2.09	39.65
Retail Per 1,000 Sq. Ft.						
50,000 Ft. & Under	2.055	\$1,110.59	\$920.00	\$190.59	\$9.53	\$ 181.06
50,001 - 99,999	2.003	1,082.77	897.00	185.77	9.29	176.48
100,000 - 199,999	1.983	1,071.91	888.00	183.91	9.20	174.71
200,000 - 299,999	2.177	1,175.91	974.00	201.91	10.10	191.81
300,000 - 399,999	2.196	1,186.66	983.00	203.66	10.18	193.48
400,000 - 499,999	2.218	1,198.71	993	205.71	10.29	195.42

Section 3 Benefit Zones

A. Establishment of Benefit Zones

There is hereby established two public building impact fee benefit zones identified in Figure 13.F.5-5, Public Building Benefit Zones, and set forth as follows:

1. The boundary of Benefit Zone 1 consist of the entire PBC, including both the incorporated and unincorporated areas of the County and excluding the areas of the County in Benefit Zone 2.

2. The boundary of Benefit Zone 2 shall include PBCs northern, western and southern borders on the North, West and South respectively; and the western border of Range 40 E and the SFWM District Levee 40 on the East. No public building impact fees shall be collected at this time in Benefit Zone 2 because there is no identified need for additional public building capital facilities due to new development during the planning horizon on which this impact fee is based.

Section 4 Establishment of Trust Funds

There is hereby established a separate impact fee trust funds for the impact fee benefit zones described in Art. 13.F.3, Benefit Zones.

Section 5 Use of Public Buildings Impact Fees

Fees paid pursuant to this Section shall be encumbered and spent only in conformance with Art. 13.A.9, use of Impact Fees.

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Figure 13.F.5-5 - Public Buildings Benefit Zones



CHAPTER G SCHOOL IMPACT FEE

Section 1 Imposition of Fee

Impact fees are imposed upon all development creating an impact on schools in accordance with Art. 13. D.4, Establishment of Trust Funds, and this Section.

Section 2 Fee Schedule

The fee schedules for school impact fees are established in Table 13.G.2.-19, School Fee Schedule. To ensure that the impact fee does not exceed the cost to provide capital facilities to accommodate new development, the impact fees in the fee schedule are established at no more than 95 percent of the cost to accommodate the impact.

**Table 13.G.2-19 – School Fee Schedule
Effective Date 03/01/2004**

Residential units By Square Footage	Average Total Occ.	Occupancy Ages 5-17	School Impact	School Impact Fee	Discount	Net School Impact Fee
Dwelling unit, 800 sq. ft and under	1.963	0.144	0.123	\$938.04	\$459.63	\$478.41
Dwelling unit, 801 - 1,399 sq. ft	2.308	0.296	0.252	1,922.65	942.06	980.59
Dwelling unit, 1,400 - 1,999 sq. ft.	2.712	0.474	0.403	3,080.22	1,509.25	1,570.97
Dwelling unit, 2,000 - 3,599 sq. ft.	3.153	0.669	0.569	4,344.26	2,128.61	2,215.65
Dwelling unit, 3,600 sq. ft. and over	3.494	0.820	0.697	5,322.21	3,147.78	2,714.43

**Table 13.G.2-19-A – School Fee Schedule
Effective Date 01/01/2005**

Residential units By Square Footage	Average Total Occ.	Occupancy Ages 5-17	School Impact	School Impact Fee	Discount	Net School Impact Fee
Dwelling unit, 800 sq. ft and under	1.963	0.144	0.123	\$938.04	\$253.27	\$684.77
Dwelling unit, 801 - 1,399 sq. ft	2.308	0.296	0.252	1,922.65	519.09	1,403.56
Dwelling unit, 1,400 - 1,999 sq. ft.	2.712	0.474	0.403	3,080.22	831.63	2,248.59
Dwelling unit, 2,000 - 3,599 sq. ft.	3.153	0.669	0.569	4,344.26	1,172.91	3,171.35
Dwelling unit, 3,600 sq. ft. and over	3.494	0.820	0.697	5,322.21	1,436.94	3,885.27

**Table 13.G.2-19-B – School Fee Schedule
Effective Date 01/01/2006**

Residential units By Square Footage	Average Total Occ.	Occupancy Ages 5-17	School Impact	School Impact Fee	Discount	Net School Impact Fee
Dwelling unit, 800 sq. ft and under	1.963	0.144	0.123	\$938.04	\$46.90	\$891.14
Dwelling unit, 801 - 1,399 sq. ft	2.308	0.296	0.252	1,922.65	96.13	1,826.52
Dwelling unit, 1,400 - 1,999 sq. ft.	2.712	0.474	0.403	3,080.22	154.01	2,926.21
Dwelling unit, 2,000 - 3,599 sq. ft.	3.153	0.669	0.569	4,344.26	217.21	4,127.05
Dwelling unit, 3,600 sq. ft. and over	3.494	0.820	0.697	5,322.21	266.11	5,056.10

Section 3 Benefit Zones

1 **A. Establishment of Benefit Zones**

2 There are hereby established five school impact fee benefit zones set forth as follows.

3
4 **1. Benefit Zone 1**

5 The boundaries of Benefit Zone 1 shall be PBCs northern boundary on the north, the Beeline
6 Highway/Port Road/8th Street East to Lake Worth, North along the Intracoastal Waterway to
7 the Lake Worth Inlet and East to Atlantic Ocean on the West and South; and the Atlantic
8 Ocean on the East.

9
10 **2. Benefit Zone 2**

11 The boundaries of Benefit Zone 2 shall be Beeline Highway/Port Road/8th Street East to
12 Lake Worth, North along the Intracoastal Waterway to the Lake Worth Inlet and East to the
13 Atlantic Ocean on the North; State Road 7 and its extension on the West; SR-804 (Boynton
14 Beach Boulevard) and its extension on the South; and the Atlantic Ocean on the East.

15
16 **3. Benefit Zone 3**

17 The boundaries of Benefit Zone 3 shall be SR-804 (Boynton Beach Boulevard) and its
18 extension on the North; SFWM District Levee 40 on the West; PBCs southern boundary on
19 the South; and the Atlantic Ocean on the East.

20
21 **4. Benefit Zone 4**

22 The boundaries of Benefit Zone 4 shall be PBCs northern border and Beeline Highway on the
23 North; the western border of range 40 E on the West; SFWM District Levee 40 and Northwest
24 2nd Avenue (Boynton Beach) and its extension on the South; and State Road 7 and its
25 extension on the East.

26
27 **5. Benefit Zone 5**

28 The boundaries of Benefit Zone 5 shall be PBCs northern, western and southern borders on
29 the North, West, and South, respectively; and the western border of Range 40 E and the
30 SFWM District Levee 40 on the East.

31
32 **B. Identification of Benefit Zones**

33 The school impact fee benefit zones are identified in Figure 13.G.5-6, School Benefit Zones. No
34 school impact fees shall be collected at this time in Benefit Zone 5 because there is no identified
35 need for additional schools due to new development during the planning horizon on which this
36 impact fee is based.

37
38 **Section 4 Establishment of Trust Funds**

39 There are hereby established separate impact fee trust funds for each impact fee benefit zones.

40
41 **Section 5 Use of School Impact Fees**

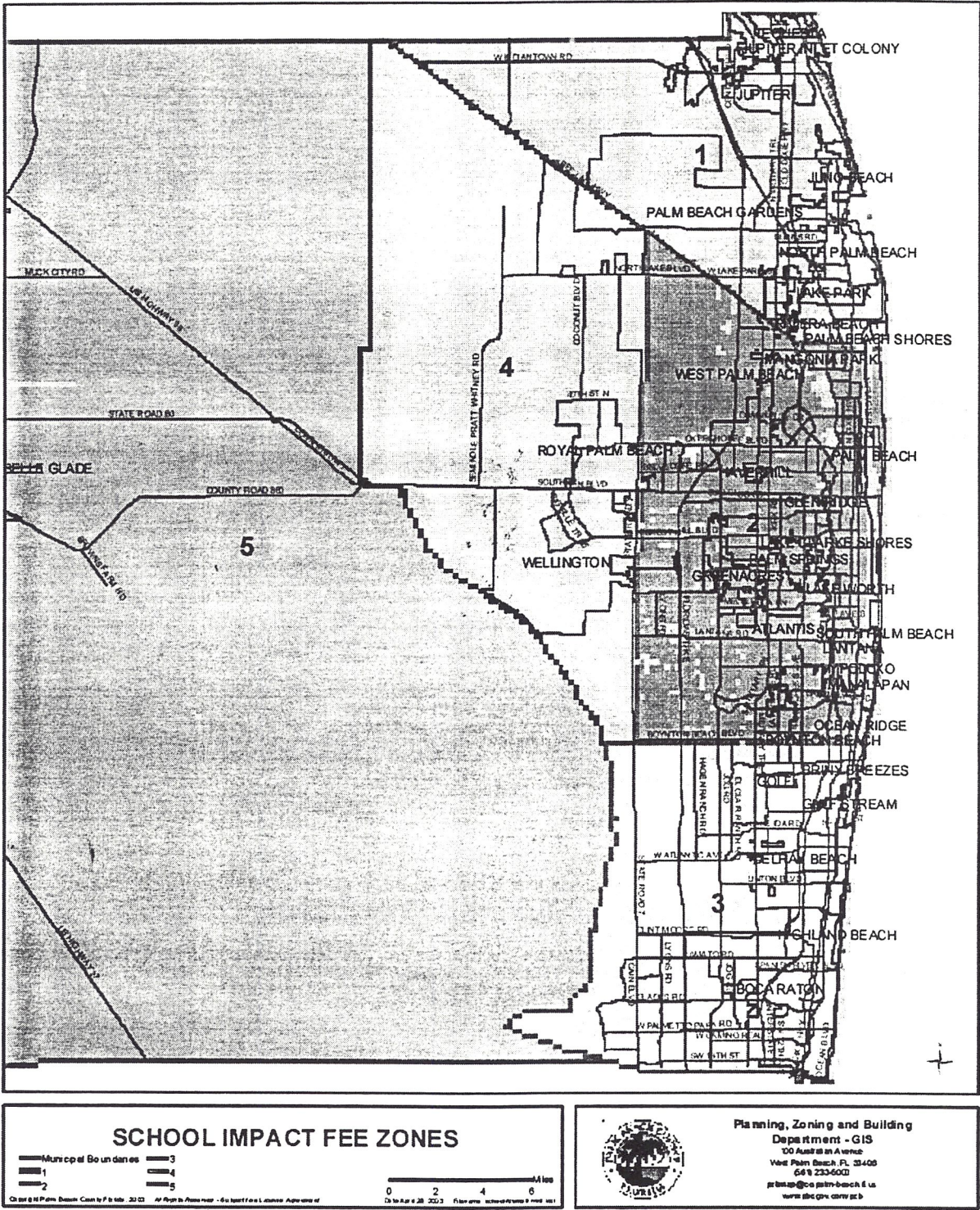
42 School impact fees shall be appropriated by the BCC and remitted to the School Board following the
43 Clerk's pre-audit of such funds. The funds shall remain restricted to their respective School Board trust
44 funds and the requirements of this article, and the School Board shall ensure that the funds are expended
45 and accounted for in accordance with the provisions of this article. The County's internal auditor shall
46 have the authority to require certain internal accounting controls and documentation, and shall have the
47 authority to audit the expenditure of the funds.

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Figure 13.G.5-6 - School Benefit Zones



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CHAPTER H ROAD IMPACT FEES

Section 1 Imposition of Fee

Impact fees are imposed upon all land uses creating an impact on road facilities in accordance with Art. 13.D.4, Imposition of Fee, and this Section.

Section 2 Fee Schedule

At the option of the feepayer, the amount of the impact fee may be determined by the fee schedule, established in Table 13.H.4-20, Fair Share Road Impact Fee Schedule, or by the independent calculation provided by the feepayer and approved by the Impact Fee Coordinator and the County Engineer. The impact fees in the schedule have been calculated using accepted trip generation, trip length, capture/diversion, and capital road facility costs standards, and applying the appropriate credits. Land uses not listed in the fee schedule shall be as defined in the most current edition of the Institute of Transportation Engineers Trip Generation Manual. To ensure that the impact fee does not exceed the cost to provide capital facilities to accommodate new development, the impact fees in the fee schedule are established at no more than 95 percent of the cost to accommodate the impact.

Section 3 Land Uses Not Specified in Fee Schedule

If the type of land use for which a building permit is applied is not specified on the impact fee schedule, the Impact Fee Coordinator shall select the most comparable type of land use from the most current edition of Trip Generation, a publication of The Institute of Transportation Engineers (ITE). If the Impact Fee Coordinator determines that there is no comparable type of land use in the most current edition of Trip Generation, then the Impact Fee Coordinator shall request a determination of the impact fee from the County Engineer, who shall use the best available traffic generation data, other trip characteristics data, costs per lane mile data, and credit data. The feepayer may challenge the County Engineer's determination through the completion of an independent fee calculation study pursuant to Art. 13.A.6, Independent Fee Calculation Study.

Section 4 Use of Road Impact Fee Funds

Fees paid pursuant to this Section shall be encumbered and spent only in conformance with Art. 13.A.9, Use of Impact Fees. Road impact fees collected in accordance with this article shall be used solely for the purpose of construction or improving roads, streets, highways and bridges on the major road network system, including but not limited to:

- A. Design and construction plan preparation;
- B. right-of-way acquisition;
- C. construction of new through lanes;
- D. construction of new turn lanes;
- E. construction of new bridges;
- F. construction of new drainage facilities in conjunction with new roadway construction;
- G. purchase and installation of traffic signalization;
- H. construction of new curbs, medians and shoulders;
- I. relocating utilities to accommodate new roadway construction

**Table 13.H.4-20 – Fair Share Road Impact Fee Schedule
Effective 03/01/2004**

Type of Land Development Activity	Official Daily Trip Generation Per Rate Dwelling Unit or Area	Pass-By Trip Rate (percentage)	Gross Impact Fee	Discount	Net Road Impact Fee Per Unit
Residential:					
Single family detached (per unit)	10	0 percent	\$4,288.40	\$214.42	\$4,073.98
Single family Attached (per unit)	7	0 percent	3,001.88	150.09	2,851.78
Congregate Living Facility (per unit)	2.15	0 percent	922.01	46.10	875.90
Mobile Home (in mobile home park)	5	0 percent	2,144.20	107.20	2,037.00
Over 55 Restricted SFD-Detached	8	0 percent	3,430.72	171.52	3,259.20
Over 55 Restricted Attached Home	6	0 percent	2,573.04	128.64	2,444.40
Nonresidential per 1000 sq. ft.:					
Drive-in Bank	265.21	46 percent	\$20,471.86	\$1,023.59	\$19,448.27
Mini-Warehouse	2.50	5 percent	339.50	16.97	322.52
Hotel per room	8.92	5 percent	1,211.33	60.57	1,150.76
Movie Theater per seat	1.76	0 percent	251.59	12.58	239.01
Racquet Club per court	40.50	0 percent	5,789.33	289.47	5,499.87
Church/Synagogue	9.11	0 percent	1,302.24	65.11	1,237.13
Day Care Center	79.26	30 percent	7,930.96	396.55	7,534.41
Quality Restaurant	89.95	15 percent	10,929.33	546.47	10,382.87
High Turnover Sit-Down Restaurant	130.34	15 percent	15,836.90	791.85	15,045.06
New Car Sales	37.50	5 percent	5,092.47	254.62	4,837.85
Office Building-Medical	36.13	5 percent	4,906.43	245.32	4,661.10
Hospital	16.78	5 percent	2,278.71	113.94	2,164.78
Nursing Home	3.72	5 percent	505.17	25.26	479.91
Warehouse (per 1,000 sq. ft.)	4.96	5 percent	673.56	33.68	639.89
General Industrial (Light)	6.97	5 percent	946.52	47.33	899.19
General Office:					
10,000 sq. ft.	22.60	5 percent	\$3,069.06	\$153.45	\$2,915.61
50,000 sq. ft.	15.59	5 percent	2,117.11	105.86	2,011.25
100,000 sq. ft.	13.27	5 percent	1,802.06	90.10	1,711.95
150,000 sq. ft.	12.08	5 percent	1,640.45	82.02	1,558.43
200,000 sq. ft.	11.30	5 percent	1,534.53	76.73	1,457.80
400,000 sq. ft.	9.62	5 percent	1,306.39	65.32	1,241.07
500,000 sq. ft.	9.14	5 percent	1,241.20	62.06	1,179.14
600,000 sq. ft.	8.76	5 percent	1,189.60	59.48	1,130.12
700,000 sq. ft.	8.45	5 percent	1,147.50	57.38	1,090.13
800,000 sq. ft.	8.19	5 percent	1,112.20	55.61	1,056.59

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Table 13.H.4-20 – Fair Share Road Impact Fee Schedule – Continued
Effective 03/01/2004

Type of Land Development Activity	Official Daily Trip Generation Per Rate Dwelling Unit or Area	Pass-By Trip Rate (percentage)	Gross Impact Fee	Discount	Net Road Impact Fee Per Unit
General Commercial Retail:					
10,000 sq. ft. & Under	155.09	45 percent	\$12,215.44	\$610.77	\$11,604.67
50,000 sq. ft.	87.31	44 percent	6,989.17	349.46	6,639.71
75,000 sq. ft.	75.54	43 percent	6,111.77	305.59	5,806.18
100,000 sq. ft.	68.17	43 percent	5,564.20	278.21	5,285.99
200,000 sq. ft.	53.22	41 percent	4,518.92	225.95	4,292.98
300,000 sq. ft.	46.05	38 percent	4,054.94	202.75	3,852.19
400,000 sq. ft.	41.56	36 percent	3,796.21	189.81	3,606.40
500,000 sq. ft.	38.37	34 percent	3,625.49	181.27	3,444.22
600,000 sq. ft.	35.96	32 percent	3,516.00	175.80	3,340.20
800,000 sq. ft.	32.45	27 percent	3,381.55	169.08	3,212.47
1,000,000 sq. ft.	29.96	23 percent	3,314.79	165.74	3,149.05
1,200,000 sq. ft.	28.07	18 percent	3,286.25	164.31	3,121.93
Non-Residential Short Trips:					
Fast Food Restaurant	496.12	45 percent	\$19,502.62	\$975.13	\$18,527.49
Service Station per fueling position	168.56	60 percent	4,819.01	240.95	4,578.06
Convenience Store	737.99	60 percent	21,098.62	1,054.93	20,043.69
Pharmacy with Drive Thru	97.20	40 percent	3,975.34	198.77	3,776.58
The cost per vehicular trip is:					
		Gross	Net		
Residential:	6 mile trip length	\$428.84	\$407.40		
Non-Residential:	2 mile trip length	142.95	135.80		
Non-Residential, short trip:	1 mile trip length	71.47	67.90		

**Interpolation between impact fee amounts presented in the examples is acceptable in lieu of the calculation for that development whose square footage is in the range between example square footages. The formulae are as follows:

1. Office
Total Daily Trips = $\ln(T) = 0.768 \ln(X) + 3.654$
T= Total Daily Trips, X = Area in 1,000 sq. ft., Ln = Natural Logarithm
2. General Commercial
Total Daily Trips = $\ln(T) = 0.643 \ln(X) + 5.866$
T= Total Daily Trips, X = Area in 1,000 sq. ft., Ln = Natural Logarithm
3. Pass-by percent Formula (for general commercial).
Pass-by percent = $45.1 - .0225(A)$
A = Area in 1,000 sq. ft. of leasable area

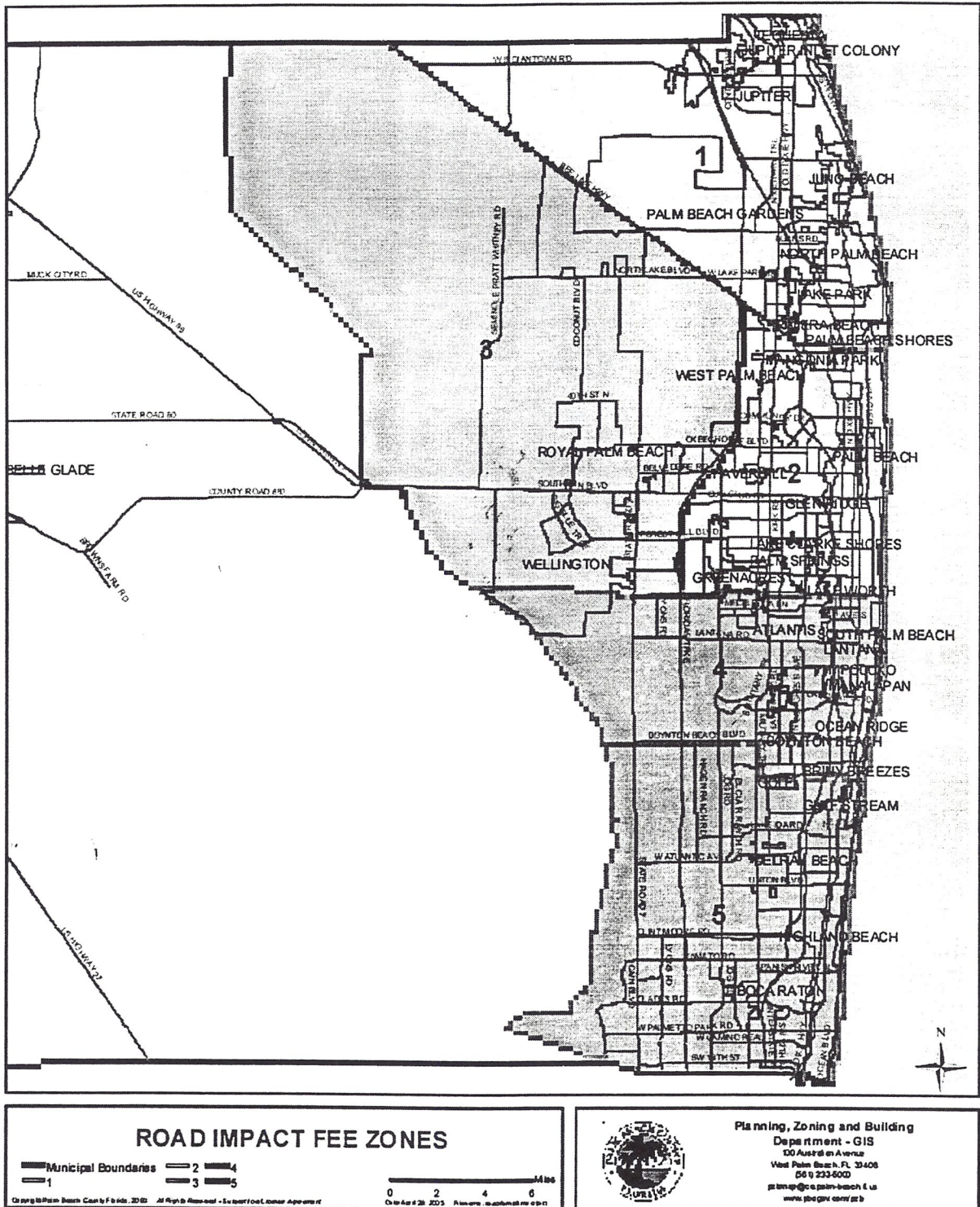
Section 5 Benefit Zones

Road impact fee benefit zones are hereby established as shown in Figure 13.H.6-7, Road Benefit Zones, and incorporated herein by reference.

Section 6 Establishment of Trust Funds

There are hereby established separate road impact fee trust funds, one for each road impact fee benefit zones as shown in Figure 13.H.6-7, Road Benefit Zones.

Figure 13.H.6-7 - Road Benefit Zones



STATE OF FLORIDA, COUNTY OF PALM BEACH
 I, DOROTHY H. WILKEN, ex-officio Clerk of the
 Board of County Commissioners certify this to be a
 true and correct copy of the original filed in my office
 on December 16, 2003.
 DATED at West Palm Beach, FL on 1/5/04.
 DOROTHY H. WILKEN, Clerk
 By: Diane Brown D.C.